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Filing date: **05/25/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Defendant Pro Football, Inc.
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Submission	Other Motions/Papers
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Signature	/Robert L. Raskopf/
Date	05/25/2012
Attachments	Appendix part 13 (Exs. 61-68).pdf ( 77 pages )(6111552 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 1,606,810 (REDSKINETTES)  
Registered July 17, 1990,

Registration No. 1,085,092 (REDSKINS)  
Registered February 7, 1978,

Registration No. 987,127 (THE REDSKINS & DESIGN)  
Registered June 25, 1974,

Registration No. 986,668 (WASHINGTON REDSKINS & DESIGN)  
Registered June 18, 1974,

Registration No. 978,824 (WASHINGTON REDSKINS)  
Registered February 12, 1974,

and Registration No. 836,122 (THE REDSKINS—STYLIZED LETTERS)  
Registered September 26, 1967

Amanda Blackhorse, Marcus Briggs,	)	Cancellation No. 92/046,185
Phillip Gover, Jillian Papan, and	)	
Courtney Tsotigh,	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	
Pro-Football, Inc.,	)	
	)	
Registrant.	)	

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**APPENDIX TO REGISTRANT'S FIRST NOTICE OF RELIANCE**

**PART 13 OF 14**

**PFIB-TTAB-000639 – PFIB-TTAB-000713**

Respectfully Submitted,

/s/ Robert L. Raskopf

Robert L. Raskopf

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**REDSKINS**

Conversation w Richard Maisel of April 1, 1997  
(Could have also called Marty Frankel)

*See P 95 of his Dep*

1. What Ross did was not a stratified probability sample. By testing only in the "most densely populated" stratum, he artificially restricted his population.

? What proportion of all American Indians live in those 50 counties? The more this departs from 100%, the less projectible it is to the defined universe.

2. By violating the rationale underlying the next birthday method, he completely undermines his ability to call what he did a probability sample.





VITA

Name: JACOB (Jack) Jacoby

Vita prepared: January, 1996

Birthdate: February 17, 1940

Home address and phone:

Office address and phone:

170 West End Avenue  
Apartment 29P-R  
New York, N.Y. 10023  
York, NY 10012

Stern School of Business  
New York University  
44 West 4th Street, Room 897New

212-721-9005

212-998-0515

EDUCATION:

- Ph.D. Michigan State University (1966 - Social Psychology)
- M.A. Brooklyn College, The City University of New York  
(1963 - Psychology)
- B.A. Brooklyn College, the City University of New York  
(1961 - Psychology)

PROFESSIONAL EXPERIENCE:

- 1985 - Merchants Council Professor of Consumer Behavior and Retail Management, Stern School of Business, New York University.
- 1981 - 1985 Director of the Institute of Retail Management, and Merchants Council Professor of Marketing, New York University.
- 1975 - 1981 Professor, Dep't of Psychology, Purdue Univ.
- 1971 - 1975 Associate Professor, Dep't of Psychology, Purdue University.
- 1968 - 1971 Assistant Professor, Dep't of Psychology, Purdue University
- 1976 (June-July) Guest Professor, SFB 24, and  
1975 (May) University of Mannheim, West Germany
- 1965 - 1968 Active duty (U.S. Air Force). Served as Chief, Behavioral Science Branch, the National Security Agency, Fort George G. Meade, Maryland. Duties were primarily to plan and conduct applied research in industrial/organizational psychology. (Security clearance: Top Secret).
- 1966 - 1968 (Part-time) Assistant Professorial Lecturer, in Department of Business and Public Administration George Washington University. (Promoted to Associate Professorial Lecturer the semester I left.

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MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS:

American Association for Public Opinion Research (Member, 1967-68, 1972-73; 1982-present)

American Marketing Association (Member, 1968-Present)

American Psychological Association (Associate, 1963-67; Member, 1968-72; Fellow, 1973-present. Also elected to Fellow status by Divisions 8, 23 and 41).

American Psychology-Law Society (APA Div. 41) member, 1988-1993; Fellow 1994)

Association for Consumer Research (Member, 1969-present, Fellow 1993)

Market Research Council 1990 - present

Midwestern Psychological Association (Member, 1968-1975)

Sigma Xi, The Scientific Research Society of North America (Associate Member, 1962-68; Member, 1969-1981)

Society for the Psychological Study of Social Issues (Member, 1963-68)

Society for Judgment and Decision Making (Member, 1986-1990)

ACTIVITIES IN PROFESSIONAL ORGANIZATIONS:

1. American Psychological Association

- Member, Council of Representatives (governing body of APA), 1971-73.
- Member, ad hoc Committee on Student Aid (COSA), 1973.

Division of Consumer Psychology (Div. 23) of the American Psychological Association

- PRESIDENT, Sept. 1973 TO AUG. 1974
- Representative to APA Council of Representatives, 1971-73
- Member, Committee on Scientific and Professional Affairs, 1968-71
- Chairman, Convention Program Committee, 1970-71
- Contributing Editor, The Communicator, Division 23 Newsletter, 1970-73
- Chairman, Membership Committee, 1971-71
- Member, Membership Committee, 1972-72
- Policy Board Representative to the Journal of Consumer Research, 1971-74, 1976-78; Alternate Representative, 1974-75
- Chairman, Fellowship Committee, 1975; 1980; Member, 1979, 1981
- Chairman, Election Committee, 1975

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2. Association For Consumer Research
  - PRESIDENT, 1975
  - Member, Advisory Council (governing body of ACR until 1972), 1969-72
  - Member, Executive Committee, 1973-74, 1976
  - Member, Program Committee, 1970-71
  - Member, Publications Committee, 1970-72
  - Chairman, Publications Committee, 1973
  - Editor, ACR Newsletter, 1973
  - Chairman, Election Committee, 1976
  - Member, Election Committee, 1975, 1977
  - Policy Board representative to the Journal of Consumer Research 1981-84
3. American Association of Public Opinion Research
  - Member, Professional Standards Revision Committee, 1983-84
  - Policy Board representative to the Journal of Consumer Research, 1984-1986
  - Member, ad hoc committee on changing P.O.Q. publisher (1986)
4. Market Research Council
  - Executive Committee, Member at Large, 1991-92
  - Chairman, Marketing "Hall of Fame" Award Committee 1991-92

PROFESSIONAL ACTIVITIES: Reviewer of Proposals, Manuscripts, and Participation on Editorial Boards.

1. Reviewer of Proposals
  - Food and Drug Administration(1975)
  - National Science Foundation (1973, 1974, 1975, 1976, 1979, 1980, 1986, 1988)
  - Million Dollar Round Table (1979)
  - Social Science Research Council of Canada (1981)
2. Reviewer of Manuscripts
  - Journal of Consumer Research, Member, Editorial Board, 1973-74. Member, Policy Board (Representing APA-Division 23, 1971-1974; Alternate, 1974-1975; Member, 1976-1978); (Representing ACR: 1981-1984); Vice Chairman of Policy Board: 1984-1986); (RepresentingACR: 1981-1984); Vice Chairman of Policy Board: 1984-1986. (Representing AAPOR: 1984-1986)
  - Journal of Marketing Research, Member, Board of Consulting Editors, July 1972-1974.
  - Computer in Human Behavior, Member, Editorial Board, 1984-present
  - Trademark Reporter, member, Editorial Board, (1993-Present)
  - 1970, 1971, 1972 and 1973 American Psychological Association, Annual Convention
  - 1971, 1972, 1974, 1978, 1979, 1986, 1989, 1990 Association for Consumer Research, Annual Convention
  - 1995 ACR European Conference.



- Organization Behavior and Human Performance (1971)
- 1972 American Marketing Association, Fall Convention
- 1972 Research Design Competition, APA-Division 23
- Journal of Applied Social Psychology (1972, 1984)
- Journal of Applied Psychology (1972)
- Public Opinion Quarterly, (1973, 1974)
- Journal Supplement Abstract Service, American Psychological Association (1975)
- American Marketing Association, 1979 Ph.D. dissertation competition
- Journal of Marketing (1980)
- Journal of Finance (1985)
- Journal of Nonverbal (1988)
- International Journal of Research in Marketing (1988)
- Federal Judicial Centers, Reference Manual on Scientific Evidence. 1994
- For the 1995 "Marketing and Public Policy" conference

### 3. Reviewer of Advertising

- Judge, 1991 Effie Awards

### HONORS AND AWARDS:

- 1969 - Admitted into membership of Sigma Xi, the national honorary society of science.
- 1973 - Elected a Fellow of the American Psychological Association (Elected a Fellow of the Division of Consumer Psychology in 1973, a Fellow of the Division of Personality and Social Psychology in 1981, and a Fellow of the Division of Law and Psychology in 1995).
- 1973 - President of the Division of Consumer Psychology of the American Psychological Association.
- 1975 - President of the Association of Consumer Research.
- 1978 - Voted the Harold H. Maynard Award for the article making the most "significant contribution of marketing theory and thought" in the Journal of Marketing during 1978.
- 1991 - Honored as the first recipient of the American Academy of Advertising's "Outstanding Contribution to Advertising Award" for having "made a significant and sustained contribution to advertising research through a systematic program of research."

Listed in Who's Who in the World, Who's Who in America, Who's Who in the East, Who's Who in Frontier Science and Technology, Who's Who of Emerging Leaders in America, and Who's Who in Advertising.

Listed in Men of Achievement (13th ed.)

- 1993 - Elected a fellow of the ACR
- 1995 - Won the Society of Consumer Psychology's Distinguished Scientific Research Award.

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BOARDS OF DIRECTORS

1991-1994 - Advertising Educational Foundation. (New York)  
Member, Board of Directors

M.S. THESIS AND PH.D. DISSERTATION:

Jacoby, J. Imprinting: An experimental approach to a biphasic interpretation. Unpublished Master's Thesis, Brooklyn College, 1963. (Major Professor: Howard Moltz)

Jacoby, J. Situational anxiety and ordinal birth position as determinants of dogmatism and authoritarianism. Unpublished Doctoral Dissertation. Michigan State University, 1966. (Major Professor: Milton Rokeach) See: Dissertation Abstracts A. Humanities and Social Science, 1967, 27, p. 4338-A.

MAJOR GRANTS AND CONTRACTS:

- \$148,000 from the National Science Foundation for studying: "Amount, type, and order of package information acquisition in purchasing decision." For the period from June 1, 1974 to December 30, 1976. (GI-43687).
- \$155,000 from the Federal Trade Commission for: "Study of likely impact of disclosure of life insurance costs on agent and consumer behavior." For the period from January 1, 1977 to August 4, 1978. (L0226).
- \$181,000 from the American Association of Advertising Agencies for studying: "The Miscomprehension of Televised Communication". For the period from February 1978 through February 1980.
- \$353,000 from the National Science Foundation for studying: "Assessing the effects of science based information on consumer technological choices." (Co-authored with James J. Jaccard). For the period from February 15, 1980 through August 31, 1983 (PRA7920585).
- \$270,000 from The Advertising Educational Foundation, Ind. (Co-sponsored by the American Association of Advertising Agencies and the American Advertising Federation) for studying: "The Miscomprehension of Print Communication". For the period from January 1983 through December 1985.

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PUBLICATIONSPUBLISHED TEST:

Jacoby J. and Terborg, J.R. (1975) The Managerial Philosophies Scale. Teleometrics International, The Woodlands, Texas. Copyright. This is a 36-item Likert-type instrument designed to assess McGregor's Theory X-Theory Y managerial orientations. An Examiner's Manual is available (through Teleometrics), as is a manuscript describing the scale's empirical development (entitled: "Development and Validation of Theory X and Y scales for assessing McGregor's Managerial Philosophies").

BOOKS AND MONOGRAPHS:

1. Uhl, J.N., Armstrong, J., Courtenay, H.V., Ishida, J.T., Kepner, K.W., Potter, H.C., and Jacoby, J. (1970) Survey and evaluation of consumer education programs in the United States. (2 volumes). Purdue Research Foundation, Lafayette, Indiana. March. 666 pages. Microfilm \$2.50; hard copy \$33.40 (Available from: ERIC Document Reproduction Service, ED-038-549, Fairmont Avenue, Bethesda, Maryland 20014).
2. Jacoby, J., Olson, J.C., Szybillo, G.J., and Hart, E.W. Jr. (1975) Affirmative nutritional disclosure in advertising and selected alternatives: The likely impact on consumer behavior. Washington, D.C.: Consumer Research Institute (Grocery Manufacturers of America, Inc.), December.
3. Jacoby, J. and Chestnut, R.W. (1977) Amount, type, and order of package information acquisition in purchasing decisions. Final report to the National Science Foundation (GI-43687), June.
4. Jacoby, J. and Olson, J.C. (1976) Consumer reaction to price: An attitudinal, information-processing perspective. Unpublished; 100 pages. (A 30-page condensation was published as article #69; see below).
5. Jacoby, J. and Chestnut, R.W. (1978) Brand loyalty: Measurement and management. New York: John Wiley and Sons.
6. Jacoby, J., Hoyer, W.D. and Sheluga, D.A. , (1980) The miscomprehension of televised communication. New York: American Association of Advertising Agencies.
7. Jacoby, J. (1980) Psychological foundations of consumer behavior: Lecture notes. Bloomington, Indiana: TIS Incorporated, Publishing Division. (160 pages).

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8. Jacoby, J. and Craig, C.S. (Eds.), (1984) Personal selling: Theory, Research and practice. Lexington Books, Lexington, Mass.
9. Jacoby, J. and Jaccard, J.J. (1984) The influence of health and safety information on consumer decision making concerning new technological products. Final report to the National Science Foundation, June.
10. Jacoby, J. and Olson, J.C., (Eds.), (1984) Perceived quality: How consumer view stores and merchandise. Lexington Books, Lexington, Mass., September.
11. Jacoby J. and Hoyer, W.D., (1987) The comprehension and miscomprehension of print communications: An investigation of mass media magazines. (Sponsored by The Advertising Educational Foundation, Inc.) Lawrence Erlbaum Associates, Hillsdale, New Jersey.

ARTICLES:

1967

1. Jacoby, J. (1967) the construct of abnormality: Some cross-cultural considerations. Journal of Experimental Research in Personality, 2, 1-15.
2. Jacoby, J. (1967) Open-mindedness and creativity. Psychological Reports, 20, 822.

1968

3. Jacoby, J. (1968) Birth-rank and pre-experimental anxiety. Journal of Social Psychology, 76, 9-11.
4. Jacoby, J. (1968) Examining the other organization: A methodology for studying informal organizational structure of complex organizations. Personnel Administration, 31, 36-42.
5. Jacoby, J. (1968) Work music and morale: A neglected but important relationship. Personnel Journal, 47, 882-886.
6. Jacoby, J. (1968) Creative ability of task-oriented versus person-oriented leaders. Journal of Creative Behavior, 2, 249-253.

1969

7. Jacoby, J. (1969) Time perspective and dogmatism: A replication. Journal of Social Psychology, 7, 281-82.

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8. Jacoby, J. (1969) Accuracy of person perception as a function of dogmatism. Proceedings, 77th Annual Convention, American Psychological Association, 4, 347-348.

1970

9. Jacoby, J. (1970) The plight of the uniformed Air Force Psychologist. Professional Psychology, 1, 383-387.

1971

10. Jacoby, J. (1971) Innovation proneness as a function of personality. Journal of Marketing Research, 8, 244-247. Reprinted in: H.H. Kassarian and T.S. Robertson (Eds.), Perspectives in Consumer Behavior (2nd ed.). Glenview, Illinois: Scott Foresman, 1973, pp. 149-155. (A one-page abstract appears in David L. Sparks (Ed.). Broadening the Concept of Marketing. Chicago: American Marketing Association, 1970.)
11. Jacoby J. (1971) An attitudinal model of multi-brand loyalty: Preliminary results and promotional strategies. Journal of Advertising Research, 11(3), 25-31.
12. Jacoby, J. (1971) Training consumer psychologists: The Purdue University program. Professional Psychology, 2, 300-302.
13. Jacoby, J. (1971) A multi-indicant approach for studying new product adopters. Journal of Applied Psychology, 55, 384-388. Reprinted in M. Wallendorf and G. Zaltman (Eds.), The Consumer Behavior of Individuals and Organizations. N.Y.: John Wiley, 1979.
14. Jacoby, J. (1971) Interpersonal perceptual accuracy as a function of dogmatism. Journal of Experimental Social Psychology, 7, 221-236.
15. Jacoby, J. (1971) Brand loyalty: A conceptual definition. Proceedings 79th Annual Convention, American Psychological Association, 6, 655-656.
16. Jacoby, J. and Aranoff, D. (1971) Political polling and the lost letter technique. Journal of Social Psychology, 83, 209-212.
17. Jacoby, J. and Matell, M. (1971) Three point Likert scales are good enough. Journal of Marketing Research, 8, 495-500.
18. Jacoby, J., Olson, J.C., and Haddock, R.A. (1971) Price, brand name, and product composition characteristics as determinants of perceived quality. Journal of Applied Psychology, 55, 570-579.

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19. Deering, B.J. and Jacoby, J. (1971) The effect of "alternative relationships" and "relative resources" on consumer decisions between mother and child. In David M. Gardner (Ed.) Proceedings, Second Annual Conference, The Association for Consumer research, 1, 135-142.
20. Matell, M.S. and Jacoby, J. (1971) Is there an optimal number of alternatives for Likert scale items? Study I: Reliability and validity. Educational and Psychological Measurement, 31, 657-674.
21. Olson, J.C. and Jacoby, J. (1971) A construct validation study of brand loyalty. Proceedings, 79th Annual Convention, American Psychological Association, 6, 657-658.

#### 1972

22. Jacoby, J. (1972) Opinion leadership and innovativeness: Overlap and validity. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 632-649.
23. Jacoby, J. and Kaplan, L.B. (1972) The components of perceived risk, In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2 382-393.
24. Bowen, D.D., Perloff, R. and Jacoby, J. (1972) Improving manuscript evaluation procedures. American Psychologist, 27, 221-225.
25. Deering, B.J. and Jacoby, J. (1972) Price intervals and individual price limits as determinants of product evaluation and selection. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 145-166.
26. Deering, B. J. and Jacoby, J. (1972) Risk enhancement and risk reduction strategies for handling perceived risk. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 404-416.
27. Heimbach, J.T. and Jacoby, J. (1972) The Zeigarnik effect in advertising. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2 746-748.
28. Matell, M.S. and Jacoby, J. (1972) Is there an optimal number of alternatives for Likert scale items? Effects of testing time and scale properties. Journal of Applied Psychology, 56, 506-509.



29. Olson, J.C. and Jacoby, J. (1972) Cue utilization in the quality perception process. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 167-179.
30. Szybillo, G.J. and Jacoby, J. (1972) The relative effects of price, store image, and intrinsic product differences on product quality evaluation. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 180-186.

#### 1973

31. Jacoby, J., Kohn, C.A. and Speller, D.E. (1973) Time spent acquiring product information as a function of information load and organization. Proceedings, 81st Annual Convention, American psychological Association, 8 (2), 813-814.
32. Jacoby, J. and Kyner, D.B. (1973) Brand loyalty vs. repeat purchasing behavior. Journal of Marketing Research, 10, p.1-9.
33. Hart, E.W. and Jacoby, J. (1973) The relationship of perceived newness to novelty, recency, and scarcity. Proceedings, 81st Annual Convention, American Psychological Association, 8 (2), 839-840.
34. Hollander, S.W. and Jacoby, J. (1973) Recall of crazy, mixed-up TV commercials. Journal of Advertising Research, 13 (3), 39-42.
35. Kohn, C.A. and Jacoby, J. (1973) Operationally defining the consumer innovator. Proceedings, 81st Annual Convention, American Psychological Association, 8 (2), 837-839.
36. Szybillo, G.J., Jacoby, J. and Busato, J. (1973) Effects of integrated advertising on perceived corporate hiring policy. Proceedings, 81st Annual Convention, American Psychological Association, 8 (2), 815-816.

#### 1974

37. Jacoby, J. (1974) Consumer reaction to information displays: Packaging and advertising. In S.F. Divita (Ed.), Advertising and the Public Interest. Chicago: American Marketing Association, 101-118.
38. Jacoby, J. (1974) Consumer behavior: A neglected but fertile field for psychological research. Contemporary Psychology, 19 (7), 543. (Review of S. Ward and T.S. Robertson, Eds., Consumer Behavior: Theoretical Sources. Englewood Cliffs, N.J., Prentice-Hall.)



39. Jacoby, J. (1974) The construct validity of opinion leadership. Public Opinion Quarterly, 38 (1), 81-89.
40. Jacoby, J. and Olson, J.C. (1974) An extended expectancy model of consumer comparison process. In S. Ward and P. Wright (Eds.), Advances in Consumer Research, 1 319-333. Urbana, Illinois: Association for Consumer Research.
41. Jacoby, J., Speller, D.E. and Kohn, C.A. (1974) Brand choice behavior as a function of information load: Journal of Marketing Research, 11 (1), 63-69.
42. Jacoby, J., Speller, D.E. and Berning, C.A.K. (1974) Brand choice behavior as a function of information load: Replication and extension. Journal of Consumer Research, 1 (1), 33-42.
43. Berning, C.A.K. and Jacoby, J. (1974) Patterns of information acquisition in new product purchases. Journal of Consumer Research, 1 (2). 18-22.
44. Kaplan, L.B., Szybillo, G.J. and Jacoby, J. (1974) Components of perceived risk in product purchase: A cross-validation. Journal of Applied Psychology, 59 (3), 287-291.
45. Szybillo, G.J. and Jacoby, J. (1974) Intrinsic vs. extrinsic cues as determinants of perceived product quality. Journal of Applied Psychology, 59 (1), 74-78.
46. Szybillo, G.J. and Jacoby, J. (1974) Effects of different levels of integration on advertising preference and intention to purchase. Journal of Applied Psychology, 59 (3), 274-280.

#### 1975

47. Jacoby, J. (1975) Consumer psychology as a social psychological sphere of action. American Psychologist, 30 (10), 977-987. APA-Division 23 Presidential Address (Reprinted in: M. Wallendorf and G. Zaltman (Eds.), The Consumer Behavior of Individuals and Organizations, New York: John Wiley and Sons.)
48. Jacoby, J. (1975) Perspectives on a consumer information processing research program. Communication Research, 2 (3), 203-215. (Reprinted in: Michael Ray and Scott Ward (Eds.), Communicating with Consumers: The Information Processing Approach. Beverly Hills, Calif.: Sage, 13-25.)
49. Jacoby, J. (1975) A brand loyalty concept: Comments on a comment. Journal of Marketing Research, 12 (4), 484-487.



50. Jacoby, J. (1975) Ruminations of a consumer psychologist on the emerging energy crisis. In R. N. Andrews (Ed.), Can we meet our energy needs? President's Council Symposium, Purdue University. West Lafayette, Indiana: Purdue Research Foundation, 32-44.
51. Jacoby, J. and Small, C.B. (1975) The FDA approach to defining misleading advertising. Journal of Marketing, 39 (4), 65-68.
52. Jacoby, J., Speller, D.E. and Berning, C.A.K. (1975) Constructive criticism and programmatic research: Reply to Russo. Journal of Consumer Research, 2 (2), 154-156.
53. Edel, E.C. and Jacoby, J. (1975) Examiner reliability in polygraph chart analysis: Identification of physiological responses. Journal of Applied Psychology, 60 (5), 632-634.

#### 1976

54. Jacoby, J. (1976) Consumer psychology: An octennium. In P. Mussen and M. Rosenzweig (Eds.), Annual Review of Psychology, 27, 331-358.
55. Jacoby, J. (1976) Consumer and industrial psychology: prospects for theory corroboration and mutual contribution. In M.D. Dunnette (Ed.), The Handbook of Industrial and Organizational Psychology. Chicago: Rand McNally, 1031-1061.
56. Jacoby, J. (1976) Consumer research: Telling it like it is. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 1-11. ACR Presidential Address (Reprinted in M. Wallendorf and G. Zaltman (Eds.), The Consumer Behavior of Individuals and Organizations. New York: John Wiley and Sons, 1979.)
57. Jacoby, J. (1976) Defining misleading advertising: Reply to Preston. Journal of Marketing, 40(3), 57-58.
58. Jacoby, J., Chestnut, R.W., Weigl, K.C. and Fisher, W. (1976) Pre-purchase information acquisition: Description of a process methodology, research paradigm, and pilot investigation. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 306-314.
59. Jacoby, J., Szybillo, G.J. and Berning, C.A.K. (1976) Time and consumer behavior: An interdisciplinary overview. Journal of Consumer Research, 2 (3), 320-339. (Reprinted in: R. Ferber (Ed.), Selected Aspects of Consumer Behavior: A Summary from the Perspective of Different Disciplines. Prepared for the National Science Foundation. Directorate for Research Applications (RANN). NSF/RA 77-0013. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 451-476.)



60. Bettman, J.R. and Jacoby, J. (1976) Patterns of processing in consumer information acquisition. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 315-320.
61. Kyner, D.B., Jacoby, J. and Chestnut, R.W. (1976) Dissonance resolution by grade school consumers. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 315-320.
62. Raffee, H., Hefner, M., Scholer, M., Grabicke, K. and Jacoby, J. (1976) Informationsverhalten und Markenwahl. Die Unternehmung, 2, 95-107.

1977

63. Jacoby, J. (1977) Information load and decision quality: Some contested issues. Journal of Marketing Research, 14 (4), 569-573.
64. Jacoby, J. (1977) The emerging behavioral process technology in consumer decision making research. In W.D. Perrault, Jr. (Ed.), Advances in Consumer Research, 4, 263-265.
65. Jacoby, J. (1977) History and objectives underlying the formation of ACR's Professional Affairs Committee in W.D. Perrault, Jr. (Ed.) Advances in Consumer Research 4, 256-257.
66. Jacoby, J. (1977) Laboratory experiments: Faulty and necessary. Journal of Consumer Policy, 1 (2), 183-185.
67. Jacoby, J., Berning, C.A.K., and Dietvorst, T.F. (1977) What about disposition? Journal of Marketing, 41 (2) 22-28.
68. Jacoby, J., Chestnut, R.W. and Silberman, W. (1977) Consumer use and comprehension of nutrition information. Journal of Consumer Research, 4 (2), 119-128.
69. Jacoby, J. and Olson, J.C. (1977) Consumer reaction to price: An attitudinal, information-processing perspective. In Y. Wind and M. Greenberg (Eds.), Moving Ahead with Attitude Research. Chicago: American Marketing Association, 73-86.
70. Jacoby, J., Szybillo, G.J. and Busato-Schach, J. (1977) Information acquisition behavior in brand choice situations. Journal of Consumer Research, 3 (4), 209-216.
71. Chestnut, R.W. and Jacoby, J. (1977) Consumer information processing: Emerging theory and findings. In A. Woodside, Ph.D. Bennett, and J.N. Sheth (Eds.), Foundations of Consumer and Industrial Buying Behavior. New York: Elsevier, North-Holland, Inc., 119-133.

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1978

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25. Jacoby, J. Miscomprehending Televised Communication. The German Psychological Association, Frankfurt, West Germany October 1982.
26. Jacoby, J. Some social psychological perspectives on closing. IRM-ACR Conference on Personal Selling: Theory Research and Practice, New York University, May 1983.
27. Chestnut, R.W. and Jacoby, J. The impact of interpersonal attraction non salesperson effectiveness. IRM-ACR Conference on Personal Selling : Theory, Research, and Practice, New York University, May 1983.
28. Jacoby, J. and Mazursky, D. Linking brand and retailer images: The impact on perceptions of quality. IRM-ACR Conference on Quality Perceptions, Stores and Merchandise, New York University, September 1983.
29. Mazursky, D. and Jacoby, J. Forming impressions of merchandise and service quality: An exploratory study, IRM-ACR Conference on Quality Perceptions, Stores and Merchandise, New York University, September 1983.
30. Jacoby, J. The vices and Virtues of consulting: Responding to a fairy tale. 14th Annual Conference of the Association for Consumer Research, Washington, D.C., October 12, 1984.
31. Jacoby, J., Troutman, T., Kuss, A. and Mazursky, D. Experience and expertise in complex decision making. 15th Annual Conference of the Association for Consumer Research, Las Vegas, Nevada. October 1985.
32. Jacoby, J., and Hoyer, W.D. University of Illinois. The Comprehension and miscomprehension of print communications: An item level re-analysis. May, 1987.
33. Jacoby, J. The History of Behavioral Process Methods. San Francisco American Marketing Association 1994 Conference (Aug).

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34. Jacoby, J. , the dark side side of ACR: Implications for our future. Fellows Address, Association for Consumer Research Annual, Conference, Bost October

ACADEMIC AND SCHOLARLY CONFERENCES: CHAIRMAN OR DISCUSSANT AT SYMPOSIA, WORKSHOPS AND PAPER SESSIONS

1. Consumer psychology and siblings: Exploring mutual interests. 78th Annual Convention of the American Psychological Association, Miami Beach, Florida, September 1970. Participants: Ward Edwards, Charles A. Kiesler, John T. Lanzetta, Irwin Pollack, Harry C. Triandis. Discussants: Robert Perloff, Lewis C. Winters. Chairman: Jacob Jacoby.
2. Consumer behavior and Housing. The Association for Consumer Research, Second Annual Convention, University of Maryland, August 1971. Participants: Don Conway (Director, Research Programs, American Institute of Architects, Washington, D.C.); Richard Seaton (Environment Psychologist, Office of Academic Planning, University of British Columbia); Calvin W. Taylor (Co-Director, Architectural Psychology Program, University of Utah); and Robert Werhli (Chief, Building Systems Section, Building Research Division, IAT, U.S. Department of Commerce). Chairman: Jacob Jacoby.
3. Research on moderator variables. 1972 American Marketing Association Fall Conference, Houston, Texas, August 1972. Speakers: Richard Neilson, John L. Stanton, Michael B. Mazis, and Timothy W. Sweeney, Discussant: Peter Wright. Chairman: Jacob Jacoby.
4. Personality and consumer behavior. American Psychological Association's 81st Annual Convention (Division 23), Montreal, Canada, August 1973. Chairman: Brian Blake. participants: Harold Kassarjian and Masao Nakanishi, Thomas Robertson, Raymond Schucker. Discoussants: Jacob Jacoby, William Wells.
5. Workshop on brand loyalty. 1973 Association for Consumer Research,. Fourth Annual Convention, Boston, Massachusetts, November 1973. Speakers: Maureen Kallick, Joseph Nearby, Jerry Olson, Jay Shaffer, Jagdish Sheth. Chairman: Jacob Jacoby. See Scott Ward and Peter Wright (Eds.), Advances in Consumer Research, Vol. 1, 1973 447-462.
6. Recent thinking in attitude theory. 83rd Annual Convention of the American Psychological Association, Chicago, Illinois, August 1975. Participants: Martin Fishbein, Jagdish Sheth, Harry Triandis, and Donald Carlson. Chairman: Jacob Jacoby.
7. Establishing standards for Professional Conduct in Consumer Research. 7th Annual Conference of the Association for Consumer Research, Atlanta, October 1976. Chairman: Monroe Friedman. Participants: Jacob Jacoby, Frank Walker, Charles McClintlock, Brenda Gurel, and George Brosseau.

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8. Approaches to the Study of consumer decision making from different disciplines. 7th Annual Conference of the Association for Consumer Research, Atlanta, October 1976. Chairman: Robert Ferber. Participants: Tom Bonoma, Don Granbois, Jacob Jacoby, Jagdish Sheth.
9. Response effects in field research on consumer behavior. "Does format make a difference? Three studies." American Psychological Association's 85th Annual Convention, San Francisco, August 1977. Participants: Seymour Sudman, Ed Blair, David Wackspress, Jagdish Sheth, Jacob Jacoby. Chairman: Jagdish Sheth. (Abstract appears in C. Leavitt (Ed.), Proceedings, APA's Division 23, 1978.)
10. Public policy and consumer behavior: Issues in life insurance purchasing. "Cost disclosure in life insurance purchasing." American Psychological Association's 87th Annual convention, New York, August 1979. Participants: Jacob Jacoby, William Scheel, and Walter Zultowski. Chairman: Robert Chestnut.
11. Trends in preference research. TIMS/ORSA Joint National Meeting, Detroit, April 1982. Participants: George Haines, Jr., Jacob Jacoby. Chairman: John Keon.
12. Personality and self-image. The American Psychological Association's 90th Annual Convention, Washington, D.C., August 1992. Participants: M. Joseph Sirgy, E. Mazak Bard, Isadore Newman, Daniel Greeno, Montrose S. Summers and Lorne Bozinoff. Chairman: Jacob Jacoby.
13. Serving two masters: Perspectives on consulting. Association for Consumer Research, Washington, D.C. October 1984. Participants: Russell Belk, James Bettman, Morris Holbrook Jacob Jacoby, Jagdish Sheth, Jerry Wind (and Jerry Zaltman as special moderator).
14. Dissatisfaction, complaint behavior and boycotting ACR, Toronto, Canada, October 1986. Chair: Jacob Jacoby; participants: Richard Oliver, Michella Morganosky, Hilda Buckley, Cathy Cobb, Gary Walgren, Mary Hallowed, George Belch and Michael Belch.
15. Quantitative research. AMA Doctoral Consortium, N>Y> August 1987. Participants: Richard Lutz, Donald Lehman, Joel Huber, Robert Myers. Moderator: Jacob Jacoby.
16. Marketing communication effects of consumer behavior: Legal perspectives. Annual Convention of the American Psychological Association, New York 1987. Chairman: Ivan Ross. Participants: Candace Dugan, Arnold Fried, Jacob Jacoby, Elizabeth Loftus, James Skiles, Ron Smithies, and James Swire.

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17. Consumer perceptions of quality, values and satisfaction. Chairman: Jacob Jacoby. annual Conference of the American Association for advances in health care research. Snowbird, Utah. April 7, 1988.

COLLOQUIA:

1. Experimentally validating a conceptualization of brand loyalty. Department of Marketing, Pennsylvania State University, May 1972. (See Pennsylvania State University Working Series in Marketing Research No. 16)
2. Brand Loyalty vs. repeat purchasing behavior. The 1972 American Marketing Association's 5th Annual Doctoral Consortium, University of Texas, Austin, Texas, August 1972.
3. Can we have too much consumer information? Department of Entomology "Friday Forum," Purdue University, March 1974.
4. Consumer psychology as applied social psychology. (An impromptu colloquium.) Department of Psychology, University of Iowa, April 1974.
5. Consumer information processing. College of Business Administration, University of Iowa, April 1974.
6. Consumer information processing. School of Business, University of Chicago, May 1974.
7. Consumer information processing of simulated supermarket packages: A programmatic experimental approach. The American Marketing Association's 7th Annual Doctoral consortium, University of Oregon, Eugene, Oregon, August 1974.
8. Consumer information processing A programmatic approach. College of Commerce and Business Administration, University of Illinois, January 1975.
9. On defining misleading advertising. College of Commerce and Business Administration, University of Illinois, February 1975.
10. Consumer information acquisition behavior. SFB 24, University of Mannheim, Mannheim, West Germany, May 1975.
11. Consumer information axquisition behavior. Department of Psychology, Tilburg University, The Netherlands, may 1975.
12. Division of Consumer Psychology "Contact Hour." 83rd Annual Convention, American Psychological Association, Chicago, August 1975.

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13. Consumer psychology as applied social psychology. An informal joint Department of Marketing and Department of Psychology graduate student colloquium, Louisiana State University, November 1975.
14. On defining and assessing misleading advertising. Department of Marketing, Purdue University, March 1976.
15. Process technology: An emerging orientation in research on consumer decision making. SFB 24, University of Mannheim, Mannheim, West Germany, June 1976.
16. Defining and assessing misleading advertising. The Free University, West Berlin, West Germany, June 1976.
17. An emerging process technology for studying consumer decision-making. Joint colloquium presented to the faculty and doctoral students in the Departments of Marketing at the University of Toronto, York University, and McMaster University, Toronto, Canada, November 1976.
18. Information processing in consumer decision making. The American Marketing Association's 10th Annual Doctoral Consortium, University of Pennsylvania, Philadelphia, Pennsylvania, August 1977.
19. Miscomprehending televised communication. Department of Marketing, University of Southern California, Los Angeles, California, January 1980.
20. Theory construction and theory assessment in consumer behavior. Department of Marketing, University of Oregon, Eugene, Oregon, March 1980.
21. The relevance and application of consumer psychology to contemporary real-world issues. Department of Psychology, University of Houston, Houston, Texas, April 1980.
22. Perspectives on consumer behavior. The American Marketing Association's 13th Annual Doctoral Consortium, Pennsylvania State University, State College, Pennsylvania, August 1980.
23. Miscomprehending Televised Communication. Department of Marketing, New York University, N.Y., N.Y., December 1980.
24. Pre-decision information accessing: A programmatic overview. Department of Psychology, New York University, N.Y., N.Y., December 1981.
25. Consumer behavior as a psychological sphere of activity. Brooklyn College - CUNY, Brooklyn, N.Y., September 1982.
26. Pre-decision information accessing: A programmatic overview. The Free University, West Berlin, West Germany, October 1982.

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27. Recent advances in Behavioral Process Technology. Krannert School of Industrial Administration, Purdue University, October 1983.
28. Recent advances in Behavioral Process Technology. Leon Racanati School of Business, Tel Aviv University, December 1983.
29. Recent advances in Behavioral Process Technology. Department of Marketing, New York University, April 1984.
30. Consumer behavior as a subject for psychological inquiry. Department of Psychology, S.U.N.Y. - Albany, November 1984.
31. Recent advances in Behavioral Process Research. Department of Psychology, S.U.N.Y. - Albany, November 1984.
32. Behavioral Process Technology and advertising research, Department of Advertising, University of Illinois. September 1985.
33. The future of consumer behavior research. American Marketing Association's 19th Doctoral Consortium. Notre Dame University, August 1986.

INDUSTRY, PRACTITIONER, AND GENERAL AUDIENCES: TALKS, PAPERS, AND ADDRESSES

1. An attitudinal model of multi-brand loyalty: Preliminary results and promotional strategies. Invited paper presented at the Spring Conference on Research Methodology. American Marketing Association, New York Chapter, Americana Hotel, New York City, May 1970. (See publication #15)
2. Models of consumer behavior. E.I. DuPont Company, Wilmington, Delaware, February 1970.
3. Examining the determinants of quality perception. General Electric Company, Louisville, Kentucky, October 1971.
4. Color perception in consumer behavior: The current state of the art and directions for research. E.I. DuPont Company, Wilmington, Delaware, March 1972.
5. Using social psychological principles to develop effective advertising. Benton and Bowles Advertising, Inc., New York City, May 1972.
6. A technique for evaluating the "curb appeal" of houses. Presented at the 9th Annual Research Conference of the American Institute of Architects, Chicago, November 1972. (Brief paper co-authored with C.J. Levin.)

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7. Behavioral science and consumer behavior. Lecture presented and session taught at the AT&T - Wharton School "Advanced Marketing Management Program," The University of Pennsylvania, July 1973.
8. The psychology of persuasion. Metropolitan Life Insurance Company Mini-Leaders Conference, Indianapolis, Indiana, September 1973.
9. Consumer behavior and newspaper advertising. Lecture presented and session taught at the Harrison C. MacDonald & Sons - Purdue University "Skills/Perspectives Management Seminar for Newspaper Advertising Executives," May 1974.
10. Assessing advertising effectiveness. Lecture presented and session taught at the Harrison C. MacDonald & Sons - Purdue University "Skills/Perspectives Management Seminar for Newspaper Advertising Executives," May 1974.
11. Consumer behavior and newspaper advertising. Lecture presented and session taught at the Harrison C. MacDonald & Sons - Purdue University "Skills/Perspectives Management Seminar for Newspaper Advertising Executives," October 1974.
12. Selling is persuading: The psychology behind closing sales. Presented to the Graduate Seminar at the Life Insurance Marketing Institute, Purdue University, January 1975.
13. Information acquisition behavior: Assessing what consumers do versus what they say they do. Bureau of Drugs Seminar, Food and Drug Administration (HEW), Rockville, Maryland, March 1975.
14. Ruminations of a consumer psychologist on the emerging energy crisis. Part of "Can we meet our energy needs?" A President's Council Symposium, Purdue University, April 1975.
15. Consumer information processing: How much information can consumers handle? The J.C. Penney Company "Consumer Affairs Forum," New York, N.Y., July 1975.
16. Ruminations of a consumer psychologist on the emerging energy crisis. University Distinguished Lecturer Series, Louisiana State University, November 1975.
17. Sex and symbolism in advertising. New York Copy Research Council, Harvard Club, New York, N.Y., April 1976.
18. Process technology in consumer research. Metropolitan New York Association for Applied Psychology (METRO), Harvard Club, New York, N.Y., April 1976.
19. The emerging process technology in decision research. British Market Research Society, London, England, July 1976.

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20. A new approach to consumer decision making. Psi Chi invited lecture, Purdue University, February 1977.
21. Psychological skills in salesmanship. The Longley Agency annual meeting. Bar Harbor, Maine, August 1978.
22. The psychological foundations of effective selling. Life Underwriters Association of Westchester, Westchester Country Club, Rye, New York, April 1979.
23. (with Fran Jacoby) The psychology of persuasion. CNA Western/Midwest Regional Sales Meeting, Denver, June 1979.
24. (with Fran Jacoby) The psychology of pre-approach fact-finding. CNA Western/Midwest Regional Sales Meeting, Denver, June 1979.
25. (with Fran Jacoby) The psychology of persuasion. CNA Eastern/Southern Regional Sales Meeting, Atlanta, June 1979.
26. (with Fran Jacoby) The psychology of pre-approach fact finding. CNA Eastern/Southern Regional Sales Meeting, Atlanta, June 1979.
27. (with Fran Jacoby) You're 20 years behind your market. (Main Platform). Million Dollar Round Table, Annual Convention, Chicago, June 1979.
28. (with Fran Jacoby) The psychological foundations of effective selling. (Expanded Session.) Million Dollar Round Table, Annual Convention, Chicago, June 1979.
29. Insights on selling from the behavioral sciences. Century 21 salesforce of Lafayette, Indiana, February 1980.
30. The miscomprehension of televised communication. 1980 Annual Meeting of the American Association of Advertising Agencies, May 1980, The Greenbrier, White Sulphur Springs, West Virginia.
31. The miscomprehension of televised communication. Senior Staff of the Federal Trade Commission, Washington, D.C., July 1980.
32. The miscomprehension of televised communication. Chicago Sun-Times, Chicago, Illinois, August 1980.
33. Deceptive and corrective advertising. Advertising Club of Lafayette, Lafayette, Indiana, September 1980.
34. The miscomprehension of televeised communication. 1980 Annual Meeting of the Western Region of the American Association of Advertising Agencies, Monterey, California, October 1980.

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35. The miscomprehension of televised communication. 1980 Annual Meeting of the Central Region of the American Association of Advertising Agencies, Chicago, Illinois, November 1980.
36. Advertising: What people see and hear (A Study of Miscomprehension). 27th Annual Conference of the Advertising Research Foundation, New York, N.Y., February 1981.
37. The psychological fundations of effective selling. 1981 Sales Congress of the Life Underwriters of Jamaica, Ltd., Ocho Rios, Jamaica, May 1981.
38. The miscompreshension of televeised communication. A presentation made at open public hearings before the commissioners of the Federal Trade Commiission, May 1981.
39. A consumer psychological perspective on the restructuring of financial institutions. A presentation made at the "Conference on the Emerging Financial Industry: Implications for Insurance Products, Portfolios and Planning" -- a conference jointly sponsored by the Salomon Brothers Center for the Study of Financial Institutions (N.Y.U.) and the Life Insurance Marketing and Research Association (Hartford, Connecticut), held at New York University, October 1982. (See Article #103)
40. The Institute of Retail Management: Past, Present, Future. Talk given before the Retail Research Society.
41. The miscomprehension of televised communication. BDP (the Association of German Professional Psychologists, Division of Marketing and Communication Psychology) and BVM (the Association Of German Market Researchers). Frankfort, W. Germany, October, 1982.
42. The miscomprehension of televised communication. "Lectures," St. John's University, October 1983.
43. Miscomprehending the advertising message. Top Executive Course, Leon Racanati School of Business, Te Aviv University, December 1983..
44. Deceptive and corrective advertising. Top Executive Course, Leon Racanati School of Business, Tel Aviv University, December 1983.
45. The applicatin of behavioral process psychology to advertising. Top Executive Course, Leon Racanati School of Business, Tel Aviv University, December 1983.
46. Sex and Symbolism in Advertising. Top Executive Course, Leon Rancanati School of Business, Tel Aviv University, December 1983.

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47. The uses of behavioral process simulations in advertising research. BDP (The Association of German Professional Psychologists; Division of Marketing and Communication Psychology). University of Munich, West Germany, September, 1984.
48. The expert-attorney interface. Trademark and Unfair Competition Committee of the Association of the Bar of New York City, N.Y. April, 1986.
49. The comprehension/miscomprehension of print communications: Preliminary results of a study of mass media magazines. Presented to the Staff of the Federal Trade Commission. November, 1986.
50. The comprehension/Miscomprehension of print communications: Preliminary results of a study of mass media magazines. Presented to the Staff of the Food and Drug Administration. November, 1986.
51. The relationship of miscomprehension to deceptive and misleading advertising. Communication Research Council, N.Y. December, 1986.
52. The comprehension/miscomprehension of print communication: A study of mass media magazines. Presentation and press conference. Time/Life Building, N.Y. February, 1987.
53. The comprehension/miscomprehension of print communication: A study of mass media magazines. American Association of Advertising Agencies/Annual Meeting, Boca Raton, Florida, March, 1987.
54. The comprehension/miscomprehension of print communication: A study of mass media magazines. Invited presentation to the Commissioners of the Federal Trade Commission, Washington, D.C. April, 1987.
55. The comprehension/miscomprehension of print communication: A study of mass media magazines. N.Y. Communication Research Council, May, 1987.
56. The Comprehension/miscomprehension of print communication: A study of mass media magazines, Advertising Research Foundation, N.Y., May, 1987.
57. Pre-decision information accessing, N.Y. Marketing Modelers, October, 1987.
58. Consumer perception in consumer deception advertising cases. National Association of Attorneys General, Washington, DC. April, 1988.

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59. Psychological Perspective on Trademarks. Presented at a plenary session of the 110th Annual Meeting of the U.S. Trademark Association. Phoenix, Arizona. May, 1988.
60. Research quality and the frailty of verbal report data. Advertising Research Foundation Conference on Research Quality. New York. September, 1988.
61. The Why's and How's of Trademark Surveys. International Bar Association, Buenos Aires, Argentina. September, 1988.
62. Misunderstanding Mass Media Communications. NYU Advertising Club. February, 1989.
63. Advertising perception and deception. National Association of Attorneys General. "Consumer Protection Seminar," Washington, DC April 4, 1989.
64. Consumer Survey Research for Litigation. Talk before Peper Hamilton & Sheetz's Advertising and Consumer Protection Seminar." Washington, DC. May 22, 1989.
65. Things I wish Lawyers understood. Presented at American Marketing Association, NY Chapter Conference on "Marketing and the law: A growing partnership." New York, June, 1989.
66. Avoiding Pitfalls in Constructing a Consumer Survey. Presented at Franklin Pierce Law Center, Conference on "Patent, Trademark and Computer Litigation: Trial Techniques & Strategies." Boston, September 11, 1989.
67. When asking questions is asking for trouble. Marketing Research Council. November 16, 1990. Yale Club, New York.
68. Experimental designs in deceptive advertising and claim substantiation research. Better Business Bureau - National Advertising Division Workshop: "Advances in Claim Substantiation" New York. April 30, 1991.
69. Misleading research on the subject of misleading advertising. Talk delivered to the Pharmaceutical Advertising Council, New York. October 20, 1992 and January 21, 1993.
70. Litigation Surveys. New York Intellectual Property Law Association. Fordham University, Law School. November 1994.
71. Survey Research Evidence in the Court. Delivered at the Federal Judicial Center's (National workshop for District Court Judges I) Atlanta, Ga. March 21, 1995.
72. Survey Research Evidence in the Court. Delivered at the Federal Judicial Center's (National Workshop for District Court Judges III) Seattle, Wa. August 31, 1995.



TECHNICAL REPORTS OF SPONSORED RESEARCH:

1. Jacoby, J. Some psychological considerations relating to "overcoming resistance to change" and "new product experiences." Prepared for the Procter and Gamble Company, April 1969 (26 pages; 14 references). Proprietary report; not available for public distribution.
2. Jacoby, J. and Haddock, R.A. A motivational model for predicting consumer acceptance-rejection decision. Prepared for the Procter and Gamble Company, April 1970 (27 pages; 16 references; + 3 page appendix). Proprietary report; not available for public distribution.
3. Jacoby, J. The determinants of brand loyalty: Thoughts for a research approach. Prepared for the Procter and Gambel Company, June 1970 (10 pages; 9 references).
4. Jacoby, J., Olson, J.C. and Kaplan, L.B. Operationalizing an attitudinal model of multi-brand loyalty. Prepared for the Pillsbury Company, August 1970 (79 pages; 22 references; + 23 page appendix). Proprietary report; not available for public distribution.
5. Jacoby, J., Olson, J.C. and Szybillo, G. Operationalizing and attitudinal model of multi-brand loyalty: Second report. Prepared for the Pillsbury Company, April 1971 (51 pages; 17 references; + 41 page appendix). Proprietary report: not available for public distribution.
6. Jacoby, J. and Kyner, D.B. Developing a comprehensive motivational taxonomy for examining new product experiences. Second annual progress report. Prepared for the Procter and Gamble Company, June 1971 (14 pages; + 136 page apendix). Proprietary report; not available for public distribution.
7. Fromkin, H.L. and Jacoby, J. The attitudes of Tippecanoe County registered voters toward the proposed Wildcat Reservoir. Prepared for a private interest group in Lafayette, Indiana, August 1971 (21 pages; 7 references). Proprietary report; not available for public distribution.
8. Jacoby, J. and Olson, J.C. The utility of expectancy models of motivation for studying brand choice behavior. Prepared for the Procter and Gamble Company, September 1971 (25 pages; 13 references). Proprietary report; not available for public distribution. Revised and abbreviated version in: S. Ward and P. Wright (Eds.), Advances in Consumer Research, Vol. 1, Urbana Illinois: Association for Consumer Research, 1974, 319-333.



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9. Jacoby, J. Toward establishing guidelines for developing packing cartons which communicate information effectively. Prepared for the General Electric Company, December 1971 (27 pages; 39 references). Proprietary report; not available for Public distribution.
10. Jacoby, J. Notes for a research program designed to determine the major (design) factors associated with consumer purchase of major home appliances. Prepared for the General Electric Company, February 1972 (26 pages). Proprietary report; not available for public distribution.
11. Jacoby, J. Developing procedures for assessing comparative brand profiles. Prepared for the General Electric Company, March 1972 (11 pages). Proprietary report; not available for public distribution.
12. Jacoby, J. Procedures for assessing the relative importance of product attributes associated with home laundry machines. Prepared for the General Electric Company, July 1972 (4 pages). Proprietary report; not available for public distribution.
13. Jacoby, J. and Speller, D.E. Developing a comprehensive motivational taxonomy for examining new product experiences. Third annual progress report. Prepared for the Procter and Gamble Company, August 1972 (13 pages; + 38 page appendix). Proprietary report; not available for public distribution.
14. Jacoby, J. and Bell, R.A. Color use guidelines and abstracts of the literature bearing on human reaction to color: A monograph. Prepared for the E.I. DuPont Company, December 1972 (1688 pages). Proprietary report; not available for public distribution.
15. Jacoby, J., Speller, D.E. and Kohn, C.A. Brand choice behavior as a function of information load. Prepared for the Consumer Research Institute, Inc. (Washington, D.C.), March 1973 (54 pages; + 75 page appendix). Proprietary report; not available for public distribution. Revised and abbreviated version appears as article No. 42.
16. Jacoby, J. and Roberts, J. Consumer attitudes toward banking services in the greater Lafayette, Indiana community. Prepared for Lafayette National Bank, Lafayette, Indiana, June 1973, (50 pages; + 6 page appendix). Proprietary report; not available for public distribution.
17. Jacoby, J. and Szybillo, G.J. Concept testing: A critical review of the published literature. Prepared for the Procter and Gamble Company, January 1974, (80 pages; + 68 page appendix). Proprietary report; not available for public distribution.



18. Jacoby, J. The motivation taxonomy project: An overview. Prepared for the Procter and Gamble Company, January 1974, available for public distribution.
19. Jacoby, J. Exploring children's behavioral, attitudinal, and emotinal states relative to prolonging interest in and active use of the GAF Viewmaster and slide reels. Prepared for the GAF Corporation, May 1974, (17 pages; + 40 page appendix). Proprietary report; not available for public distribution.
20. Jacoby, J., Hart, E.W. Jr., Szybillo, G.J., and Busato-Schach, J. The persuasive impact of a smilig source. Prepared for the Life Insurance Marketing Research Association (formerly LIAMA), Hartford, CT., September 1974 (49 pages; 15 references; + 21 page appendix). Available as working paper PPCP 138.
21. Jacoby, J. and Chestnut, R.W. The measurement and marketing applications of brand loyalty: A comprehensive and critical review of the published literature. Prepared for the Procter and Gamble Company, September 1974 (114 pages; 296 references; + 29 page appendix). Proprietary report; not available for public distribution. Revised version previously cited under Bookds and Monographs as #5.
22. Jacoby, J., Olson, J.C., Szybillo, G.H. and Hart, E.W. Jr. Affirmative nutritional disclosure in advertising and selected alternatives: The likely impact on consumer behavior. Prepared for the Consumer Research Institute, July, 1975, (230 pages; 144 references; + 59 page appendix). Previously cited under Books an Monographs as #2.
23. Jacoby, J. Executive summary of "Affirmative nutritional disclosure in advertising and selected alternatives: The likely impact on consumer behavior." Prepared for the Consumer Research Institute, July 1975 (27 pages).
24. Jacoby, J. and Chestnut, R. W. Amount, type, and order of package information acquisition in purchasing decision. A final technical report submitted to the Nationsl Science Foundation (RANN), June 1977 (284 pages; 123 references; + 53 page appendix). Previously cited under Books and Monographs as #3.
25. Jacoby, J., Sheluga, D.A., Hoyer, W. and Chestnut, R.W. Consumer accessing and use of information in making life insurance purchase decisions. A technical report submitted to the Life Insurance Task Force of the Federal Trade Commission, June 1978, (61 pages; + 50 page appendix).

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26. Jacoby, J., Sheluga, D.A., Hoyer, W. and Nelson, M.C. Effectiveness of the proposed FTC, NAIC, and Belth Cost Disclosure systems. A technical report submitted to the Life Insurance Task Force of the Federal Trade Commisision, August 1978 (115 pages; + 59 page appendix).
27. Jacoby, J. A psychological analysis of consumer complaint behavior: Its sources, meaning, and validitby. Prepared for the Firestone Tire and Rubber Company, Novemer 1978, (40 pages; 16 references). Proprietary report; not available for public distribution. Revised version previously cited as Article #88.
28. Jacoby, J. The NFL/Cook Apparel Study. Prepared (in collaboration with Guideline Research Corp., N.Y.) for Townley and Updike, the New York law firm representing NFL Properties, Inc., July 1981, (87 page; 2000 plus pages of appendix material).
29. Jacoby, J. The Rawlings/MasGregor Baseball Study. Prepared (in collaboration with Guideline Research Corp., N.Y.) for Skadden, Arps, Slate, Meagher and Flom, the N.Y. law firm representing the Rawlings Co., August 1982, (63 pages; 250 plus pages of appendix material).
30. Jacoby, J. and Jaccard, J.J. (with the assistance of Alfred Kuss and Tracy Troutman) The influence of health and safety information on consumer decision making concerning new technological products. A final technical report submitted to The Nations Science Foundation, June 1984.

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GRADUATE STUDENTS SUPERVISED AS "MAJOR PROFESSOR":

<u>Completed Ph.D.</u>	<u>Currently at:</u>
1971 - Heimbach, James	Technical Assessment Systems, Inc. Washington, D.C.
1971 - Kaplan, Leon B.	Princeton Research and Consulting Center Princeton, New Jersey
1972 - Haddock, Rafael A.	Organizational Psychologists, P.C. Chicago, Illinois
1972 - Hollander, Steven W.	Audits & Surveys New York, New York
1972 - Kyner, David B.	Private Business
1972 - Olson, Jerry C.	School of Business Pennsylvania State University
1973 - Deering, Barbara J.	U.S. West, Inc. Seattle, Washington
1973 - Szybillo, George J.	TIAA/CREF New York
1974 - Buck, Meera	Shell Oil Company Houston, Texas
1974 - Hart, Edward W., Jr.	Edward Hart Associates Hartford, Connecticut
1974 - (Berning) Kohn, Carol A.	Procter & Gamble Co. Cincinnati, Ohio
1974 - Moreno, Nelson	Department of Psychology University of Puerto Rico
1977 - Chestnut, Robert	Chestnut Partners Tampa, Florida
1979 - Sheluga, David A.	The NPD Group, INC. Rosemont, IL 60018
1980 - Hoyer, Wayne D.	Department of Marketing University of Texas at Austin
1983 - Mazursky, David	Department of Marketing The Hebrew University Jerusalem, Israel
1991 - Handlin, Amy	School of Business Monmouth College

1992 - Johar, Gita	School of Business Columbia University
1994 - Morrin, Mimi	School of Business Boston University
<u>Completed M.S.</u>	<u>Currently at:</u>
1970 - Olson, Jerry C.	as above
1970 - Stolting, Richard	PERQ Research Wilton, CT
1971 - Deering, Barbara	as above
1972 - Hart, Edward W., Jr.	as above
1972 - (Berning) Kohn, Carol A.	as above
1972 - Szybillo, George J.	as above
1972 - Wolf, Robert N.	Cedarhurst, New York
1974 - (Schach) Busato, Jacqueline	Ontario, Canada
1974 - Williams-Jones, Joyce A.	Private Business Mexico
1974 - Speller, Donald E.	The Longwoods Research Group Ltd. Toronto, Ontario, Canada
1975 - Chestnut, Robert W.	as above
1975 - Weigl, Karl	Hasbro Electronics Foster City, California
1976 - Silva-McSorley, Rasario	Homestead, Florida
1978 - Sheluga, David A.	as above
1979 - Hoyer, Wayne D.	as above
1979 - Pite, Elizabeth	Pite Plus Marketing Hartford, Connecticut
1980 - Nelson, Margaret C.	Currently unknown
1981 - Zimmer, Mary R.	Department of Marketing University of Georgia

Completed M.B.A.

1984 - Troutman, Tracy	Johnson & Johnson/Merck Fort Washington, PA
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GRADUATE STUDENTS SUPERVISED



**Respondent's Exh. 63.**

**Some Comments on Nunberg's Testimony**

With the exception of a comment on my reading of Burchfield and Landau with respect to political pressure exerted on dictionary makers, which he agrees with, Nunberg does not address any of the data that I presented at all. He simply ignores it. His argument to the contrary is based on (1) three sets of data and (2) a theoretical framework for which he quotes only himself as an authority:

**1. Nunberg's Data**

**1.1. Dictionary/Encyclopaedia entries**

- a. usage labels
- b. OED citations
- c. the 19th-century Encyclopaedia Britannica

**1.2. His survey of newspaper clippings from the 1980s and 1990s**

- 1.3. Some movies that he says that he has seen** but gives no particulars about in his testimony except titles and very general characterizations. These include the Disney film Peter Pan, which he characterizes as treating Native Americans in a derogatory manner but which he says he has watched many times with his young daughter.

**2. Nunberg's Theoretical Framework**

- 1.1. Some words have no connotations but are merely denotative**
- 1.2. *Derogatory* means 'conveying an intent to belittle' rather than 'intending to belittle'**
- 1.3. One can infer that an ethnonym conveys an intent to belittle if the context in which the ethnonym is used is frequently one which suggests a violent, destructive, and adversarial relationship with the speaker**
- 1.4. the idea of secondary meaning has no place in lexicography**
- 1.5. Sports teams tend to select names that are intended to frighten their opponents and that belittle the legitimate bearer of the names.**

- 1a. Usage Labels in Dictionaries.** Nunberg agrees with Barnhart that, previous to the 1960s, no dictionary labels Redskin as "derogatory." In his view, however, this does not mean that the term was not "derogatory" before then—it means only that Indians were not politically powerful enough before the 1960s to force dictionary makers to add the label.

The argument is absurd in two ways. First, dictionaries in general have been labeling other words (viz. nigger) as derogatory since long before the 1960s. Yet African Americans were scarcely powerful enough to have brought political pressure to bear on dictionary makers. Second, Nunberg readily concedes that political pressures are very important to dictionary makers of his generation. Conclusion: the political pressures have only become an issue—as both Burchfield and Landau make clear in scholarly works that Nunberg cites with



**Respondent's Exh. 63.**

obvious approval—since the 1960s. One wonders, by the way, why Nunberg—who heads the usage panel for the American Heritage Dictionaries—does not make any use of the citation files for the AH3 with respect to Redskin—why doesn't Nunberg tell us what the real basis was for the creation of the AH3 label of “derogatory.” Most likely, the answer is that there was in fact very little real lexicographical justification for the decision.

Conclusion: Dictionary makers have tended to label Redskin as “derogatory” or “offensive” because of political pressures, not necessarily solid lexicographical ones. Dictionaries are commercial enterprises, and controversy doesn't sell dictionaries. Besides, dictionary makers read each others' dictionaries, and they borrow from each other. It is a lot easier and less costly and safer to add a “derogatory” label to a word such as Redskin than to spend a great deal of money doing lexicographical research the result of which could well mean political controversy and the vulnerability of isolation of the dictionary maker from his competitors with respect to the politically correct labeling of one virtually archaic entry.

**1.1.b. Nunberg's use of OED Citations.** Essentially, Nunberg's method is consistently to beg the question and ignore evidence to the contrary. Beginning with the assumption that Redskin is “derogatory,” he consistently maintains that derogatory connotations emerge from the word itself, despite the fact that the word is used in his data in the context of warfare and adversarial relations and is used interchangeably with Indian, which he does not find to be “derogatory” (though the usage note in his dictionary does so!) Thus for example he ignores two of the citations, in which the term Redskin is used in a positive context: (1) “My honored Father was as Active as ye Redskin Men and sinewy”; and (2) a quotation from an 1872 anthropological study, which says, “Though the Red-skin family is constituted in a manner very unlike ours, ... ”

**1.1.c. The 19th-century Encyclopaedia Britannica.** The entry for Indians in this encyclopaedia says that the term Redskin “is not in such good repute as” the French and German calques for this term; the calques are the generic, scientific terms used in those two languages. Nunberg consistently misquotes this as saying that the term Redskin is in “bad repute” and concludes therefrom that the author of the Britannica article was declaring that the term is derogatory. Obviously, to say that something is “not in such good repute as” something else is not to say that it is in bad repute: as a playwright, Marlowe is not in such good repute today as Shakespeare, but that is not to say that Marlowe has a bad reputation—he is still one of the giants of Renaissance literature. Likewise, one could, legitimately say that lawyer is a word that is “not in such good repute” as attorney. One could say that kid is not in such good repute as child in English (unlike in German, where a similar-sounding term, kinder, is generic).

Such disingenuousness on Mr. Nunberg's part betokens a certain desperation about a case that is far weaker than he would like it to be. Not only is this use of language misleading, but it ignores the context in which the statement is made. The author of the Britannica article is comparing Redskin to the scientific terms used in French and German; his



implication is only that Redskin is not a scientific term in English, it is simply an informal term like the others that he quotes in the same passage, red man and red race. If anything, this article supports the argument that in the 19th century in America, Redskin was simply a “popular term” for “American Indian,” just not a scientific one as it is in French and German.

- 1.2. **Nunberg’s evidence from newspaper clippings.** By means of an electronic database search, Nunberg surveyed, he says, about 60 newspapers from 1982 at the earliest until the 1990s. He found 135,000 instances of Redskin or redskin, of which only 71 referred to American Indians (307); most of the rest referred to the football team (a few to potatoes or peanuts). This compares with 74,000 occurrences of American Indian and 73,000 occurrences of Native American; of the million occurrences of Indian alone, one can readily infer that several hundred thousand occurrences also referred to Native Americans (one might estimate that a hundred thousand or so were references to sports teams such as the Cleveland Indians, and a large number to inhabitants of the Asian subcontinent or the West Indies or their descendants in various parts of the world).

Clearly, Redskin is a rare word in journalism. If Nunberg is correct, it is even rarer when one takes into account the fact that, according to Nunberg, none of the 71 uses of Redskin in the sense ‘Native American’ were “references”: the “majority” were “mentions”—“that is to say, the term was not used to refer to anyone but was discussed qua term and as such was very often included in quotation marks” (308-9); he cites three of these in his testimony, one of which seems to come from a letter in which the writer condemns the use of Redskin as the name of the Washington football team (309). It is not clear how Nunberg classifies the rest—according to his testimony, they are neither “mentions” nor “references.” One, he suggests, is “ironic” (314).

Oddly, in his testimony Nunberg draws no specific conclusion from these assertions as to whether Redskin is in any way an objectionable term. He does assert in passing—without connecting his assertion to his newspaper data—that Redskin “is a disparaging term for Indian” (322). He does assert in a lengthy aside that Redskin is not merely an informal variant of Indian (315-322), thus attempting to refute a contention that both I and David Barnhart made in our reports. But the only conclusions that he actually draws in his testimony from his newspaper data are the assertions already described. Thus since he does not make the putative “disparaging” connection clear, it is how to see how we are to credit it in any way.

Finally, his rejection of the view that Redskin is merely an informal term meaning ‘Native American’ is based entirely on his assertion that if a term was rarely used in newspapers in the 1980s and 1990s in what he calls a “denotative” (i.e., explicitly referential) way it cannot be informal. This thesis is likewise never substantiated, except by an argument by analogy with the journalistic use of the term Brit, which Nunberg also studied the distribution of in the newspapers for which he sampled Redskin. Without delving into his deeply flawed argument too far, let us simply note that, while Brit and Redskin are (as Nunberg concedes) indeed informal words, there the similarity ends. For one thing, Brit



has been used in the United States only since the 1970s; thus one might indeed expect that Brit would be used with greater frequency—it is a word which is now very much in vogue. Redskin in the sense of ‘American Indian’ on the other hand, is—as Nunberg’s own figures make powerfully clear—a meaning very much on the wane, a very old-fashioned meaning that seems well on its way towards dying out. **Secondly**, it is perfectly clear why Brit would be used in a referential sense whereas Redskin would rarely be so used: Brit is a word with no synonyms, formal or informal, except the very circumlocutions phrases Citizen of Great Britain or British subject. Indeed, it is a term that was popularized to fill a semantic gap—a cover term that includes Englishman, Englishwoman, Scotsman, Scotswoman, Welshman, Welsh woman, Ulsterman, Ulster woman. The term Redskin, on the other hand, competes with the denotatively exact synonyms Indian, American Indian, and Native American. **Thirdly**, it is perfectly clear from Nunberg’s figures that ‘Native American’ is no longer the primary meaning of Redskin. The central or primary meaning of Redskin in American culture today is ‘member of the Washington, D.C. football team’. Indeed, referential uses of Redskin conceivably run the risk of being misunderstood. Nunberg’s own example is marvelously illustrative here (308): He says, “There were no sentences [of the] form, ‘There are five Redskins on the panel’ or ‘A Redskin has moved into the [neighborhood]’ or ‘Redskin actor Jay Silverheels was honored last night.’” One good reason why such sentences are rarely found in newspapers is that Redskin ‘Native American’ is informal. A second reason is that Redskin ‘Native American’ is virtually archaic. A third reason is that Redskin ‘Native American’ competes with the less archaic Indian and Native American. The fourth reason is that denotative usages are apt to be interpreted as referring to the once secondary, now primary meaning of Redskin: ‘member of the Washington, DC, football team’.

A much more plausible analogy to Redskin than Brit is the term limey, which AH3 calls a slang term for an English person. Unlike Brit, limey is rarely found in contemporary media, as a web scan of web sites that I conducted several months ago indicated.

- 1.3. **The movies.** As we have just seen, Nunberg presents evidence from newspaper clippings but draws no specific conclusions about the connotations of Redskin in the current decade from them in his direct examination. His testimony with respect to the movies is precisely the opposite: he draws conclusions but presents no evidence. He lists the titles of a few movies (including the Disney cartoon, Peter Pan), and asserts that Redskin is used therein in a derogatory fashion. But he presents no scripts, quotes no lines, gives no arguments. Thus again, his testimony illuminates nothing with respect to the connotations of the word Redskin in modern American English. Indeed, one wonders how seriously one can credit the sincerity of an argument based in part upon the supposed derogatory nature of the language of a movie that the expert testifies he has watched with his own child numerous times.

## 2. Nunberg’s Theoretical Framework

- 1.1. **Nunberg’s odd premise that some words have no connotations but are merely**



**denotative.** This is an assertion that runs counter to the way that the terms denotation and connotation are normally used by linguists and dictionary makers (see, e.g., Landau pp. 122–23; Bloomfield's Language). The consensus is that the denotations of a word are its primary (or central) meanings and its secondary (or further or extended) meanings of the sort that one finds explicitly stated in the definitions of a word in a dictionary. The connotations of a word are the associations that speakers of the language have with a word; the connotations are usually not listed in a dictionary but they are known to all native speakers of the language. Virtually all words—except, perhaps, scientific words—have connotations; the connotations are often in conflict with each other. For example, the word horse has for its denotations a set of meanings centering upon 'four-legged animal'. Among the connotations of horse are the qualities 'swiftness', 'grace', and 'beauty'; another set of connotations centers upon the somewhat different qualities 'largeness', 'awkwardness', 'heaviness'. Context often makes it clear which sets of connotations are being referred to, e.g., Nancy reminded me of a horse in an open field on a sunny day has quite different connotations from Nancy reminded me of a horse in a China shop.

Why it is that Nunberg insists on his nontraditional usage is not clear; perhaps it has something to do with the rather arcane world of lexicology as opposed to the more mundane world of lexicography (note that his own dictionary does not support his definitions). In the pretestimony disclosure statement that his lawyers wrote for him, it is stated that Native American and Indian are "denotative" words while Redskin is a "connotative" word, a move that seems to allow him to claim that Redskin must therefore be derogatory because the connotations of ethnonyms must inevitably be bad. But this absurd position seems to be abandoned in the later testimony, so just why he clings to this nomenclature is not at all clear.

In the end, perhaps one can simply say that what most American lexicographers would speak of as **generic** terms Nunberg chooses to call **denotative** terms. My objection to this, again, is that it suggests that there are words that have no connotations, which is rarely if ever the case. In fact, it causes Nunberg to claim that the word lawyer has no connotations and that the difference between lawyer and attorney depends entirely on "context." But this is clearly not true: the relatively greater susceptibility of lawyer than attorney to pejorative interpretations is precisely the function of the intrinsic connotations of the word lawyer, connotations which do not adhere to attorney. Note further that Nunberg absurdly claims that the difference between shyster and lawyer are purely matters of "connotation." But this is not true: 'dishonest' is part of the **denotation** of shyster, as in fact all dictionaries make clear in their definitions.

- 1.2. Nunberg's mistaken claim that **derogatory** means 'conveying an intent to belittle' rather than 'intending to belittle'. The reason for this move is clear and cynical: the language of the statute under which suit is being brought requires that Redskin be found derogatory to support Nunberg's clients' claims. Nunberg merely cites himself as an authority here. He simply collapses the word **objectionable** and the word **derogatory**. His putative definition of **derogatory** does not survive even the cursory examination of his



own dictionary, which states, simply, that **derogatory** means “Disparaging, belittling.”

**1.3. Nunberg’s mistaken belief that one can infer that an ethnonym conveys an intent to belittle if the context in which the ethnonym is used is frequently one which suggests a violent, destructive, and adversarial relationship with the speaker.** This is the substance of Nunberg’s comments upon the OED citations, and (though he does not say so explicitly) it is apparently the direction in which he is moving with his newspaper study. This assumption is never given any substantiation or evidence, however; he merely rests his case upon it. The faulty nature of the assumption becomes clear when one compares the use of the word Indian with the use of the word Redskin in the passages that Nunberg cites. In such passages, Indian is also used. Why isn’t Indian also therefore a belittling word? Because it is not, says Nunberg, thus completely begging the question; “denotative” words cannot be belittling, and Indian is, he declares, a “denotative” word. And how do we know that Redskin is not a “denotative” (i.e., generic) word in those passages? Because it is not, says, Nunberg, again begging the question: if it were a generic, it would be used elsewhere in nonviolent, clearly referential ways as well. But, as we have seen above, in the case of the OED evidence there are clearly nonpejorative uses of Redskin which Nunberg simply ignores. And as for modern contexts, I have pointed out in my report numerous nonpejorative contexts in which Redskin has been used; Nunberg ignores these as well. Admittedly, if one looks only at the data that supports one’s case, one’s case will be somewhat strengthened. But that is scarcely good scientific procedure.

**1.4. Nunberg’s misleading assertion that the idea of secondary meaning has no place in lexicography.** Again Nunberg is being disingenuous here. While it is true that terms other than primary meaning and secondary meaning are often used by lexicographers for these concepts, the meanings of the concepts are very much a part of lexicographical theory and practice. The front matter to Nunberg’s own dictionary speaks of “central” meanings and “subsenses” (xxxix). All dictionaries organize their main entries so as to group the different meanings of a word according to some logical scheme. Some dictionaries do so historically, with the earliest meanings first, the later meanings thereafter in chronological order. Most American dictionaries give the central or “primary” meaning first, the related, less important, subsidiary, and/or extended meanings after that in descending order of importance. Following such a schema, one could reasonably say that, in 1940, the primary meaning of Redskin in English was as an informal, somewhat romantic, synonym for (American) Indian. The secondary meaning ‘member of the Washington, DC, football team’ was in its initial stages of development. In the 1940s, an additional secondary meaning developed among literary critics: ‘term used to designate nativist American literary figures such as Whitman as opposed to Anglophilial writers such as Henry James’. By the 1990s, the secondary meaning ‘member of the Washington, DC, football team’ has become such an important meaning that it has all but choked out all others, though one occasionally sees the term used in reference to Native Americans (as in the New Republic 24 March 1997, 5, 30—



a use that has thus far not even occasioned no published letters to the editor), potatoes, peanuts, Dahlias, and the literary tradition.

It is instructive, by the way, to ponder those potatoes, those dahlias, those peanuts. Though Nunberg argues that these meanings are irrelevant because they do not convey the notion 'American Indian', it is useful to ask ourselves (1) if Nunberg is really right about this and (2) if he is right, why it should be the case that a phrase such as redskin potato does not summon up images of American Indians? Whether or not people generally think of American Indians when they hear the word redskin potato is a matter of pure speculation on Nunberg's part. In my professional opinion, some people sometimes do, some people sometimes don't. An interest in etymology is a widespread phenomenon in America—folks endlessly parse words, trying to make relationships between the parts of words, whether or not the relationship is truly historically justified. Such etymologizing is really just an extension of the child-language-acquisition process. Nunberg's blanket assertion that speakers would not normally relate American Indians and redskin potatoes in their minds is thus a hypersimplified conclusion.

But even if Nunberg is right about the absence of 'American Indian' connotations of redskin potato, redskin dahlia, and the like, that very conclusion tends to reify my contention that the word redskin itself is not widely viewed as even objectionable, much less derogatory. Truly derogatory words are a part of the more general class of **taboo words**, and these taboo words tend to push out of existence all homonyms, even perfectly innocent ones. For example, many sports teams that once called themselves Trojans have been renamed because of the popularity of a brand of prophylactics bearing the same name. The term gay, once popular in business names, in movie titles, and the like, has all but dropped out of public use except in the sense—which is not even derogatory—of 'homosexual', from which has developed in recent years an adolescent slang sense of 'undesirable'. The term Niggertoe has been virtually replaced by Brazil nut, and even the word niggardly is used sparingly. By contrast, if anyone has seriously suggested a substitute for redskin potato or redskin peanut or the recently coined the commercial term redskin dahlia they have not made a very big splash. If redskin were truly a derogatory term—if most people even thought of it as offensive or in any way dubious—substitutes would certainly be proposed. But substitutes there are none. One can only conclude that the supposedly seriously offensive meaning of redskin is virtually unknown to the American public—that, if anything, the overwhelming popular meaning of the term in connection with the Washington, DC, football team, has prevented any pejorative affect from being attached to the term.

- 1.5. **Sports teams tend to select names that are intended to frighten their opponents and that belittle the legitimate bearer of the names.** This (see p. 481) is a psychosociolinguistic assumption that defies common sense. It is ludicrous to think that any sports team would be frightened by the name of any other sports team. Rather, the names of sports teams are created for positive reasons, not negative ones. They serve as a focus of pride and feelings of prowess for players and fans alike. Far from belittling the entities from



which they derive their associated terms of self-reference, sports teams adopt names in a totemic way, as a way of suggesting that they are powerful, awesome, virile, clever. It is often said that Americans would not stand for the naming of a sports team the New York Niggers, the Manhattan Kikes, the San Antonio Spics, the Denver Wops, the San Francisco Faggots, and the like. But the issue is not so much what the American public would stand as what the fans and the players would stand! It is precisely because these are derogatory terms that no one uses them. The fact that the Washington, D.C., football team owners chose Redskin in the first place is in itself the strongest sort of evidence that the term is not derogatory. And the fact that the Washington, D.C., fans cling so tenaciously to the nomenclature indicates that, for them, far from being a derogatory term, Redskin is a term of the highest praise, connoting power, virility, and success. Finally, the fact that newspaper sports pages have no qualms about publishing headlines containing the word redskin indicates that they find no pejorative connotations whatever to the word.



Harjo v. Pro-Football  
Case No. 21,069

Respondent's Exh. 64.

Thursday  
February 16, 1995



# federal register

## Part IV

### Department of the Interior

#### Bureau of Indian Affairs

Indian Entities Recognized and Eligible  
To Receive Services From the United  
States Bureau of Indian Affairs; List;  
Notice

Jena Band of Choctaw  
-Acknowledged 8/29/95



Respondent's Exh. 64.

9250

Federal Register / Vol. 60, No. 32 / Thursday, February 16, 1995 / Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Entities Recognized and Eligible  
To Receive Services From The United  
States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs,  
Interior.

ACTION: Notice.

**SUMMARY:** Notice is hereby given of the current list of tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of their status as Indian tribes. This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792).

**FOR FURTHER INFORMATION CONTACT:** Patricia Simmons, Bureau of Indian Affairs, Division of Tribal Government Services, 1849 C Street N.W., Washington, DC 20240. Telephone number: (202) 208-7445.

**SUPPLEMENTARY INFORMATION:** This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Published below are lists of federally acknowledged tribes in the contiguous 48 states and in Alaska. The list is updated from the last such list published October 21, 1993 (58 FR 54364) to include tribes acknowledged through the Federal acknowledgment process and legislation. We have continued the practice of listing the Alaska Native entities separately solely for the purpose of facilitating identification of them and reference to them given the large number of unusual and complex Native names.

In October 1993, the Department published its most recent list in an effort to bring the list up to date as required by 25 CFR Part 83 and in an effort to clarify the legal status of Alaska Native villages. As described in the preamble to the October 1993 list, the first list of acknowledged tribes was published in 1979, 44 FR 7235 (Feb. 6, 1979). The list used the term "entities" in the preamble and elsewhere to refer to and include all the various anthropological organizations, such as bands, pueblos and villages, acknowledged by the Federal Government to constitute tribes with a government-to-government relationship with the United States. A footnote defined "entities" to include "Indian tribes, bands, villages, groups and pueblos as well as Eskimos and Aleuts." 44 FR 7235 p.1. The 1979 list did not, however, contain the names of any Alaska Native entities. The

preamble stated that: "[t]he list of eligible Alaskan entities will be published at a later date." 44 FR 7235.

Under the Department's acknowledgement regulations, publication of the list serves at least two functions. First, it gives notice as to which entities the Department of the Interior deals with as "Indian tribes" pursuant to Congress's general delegation of authority to the Secretary of the Interior to manage all public business relating to Indians under 43 U.S.C. 1457. Second, it identifies those entities which are considered "Indian tribes" as a matter of law by virtue of past practices and which, therefore, need not petition the Secretary for a determination that they now exist as Indian tribes. See 25 CFR 83.3 (a), (b) and 83.6(a) (1993 ed.); 25 CFR 83.3(a), (b) (1994 ed.). Because the Department did not include any Alaska entities in its initial publication and characterized its publication in 1982 of the Alaska entities as a "preliminary list" (47 FR 53133), the intended functions of the publication of the list were not fully implemented for Alaska until October 1993.

The entities listed on the 1982 "preliminary list" parallel the kinds of entities included on the list for the contiguous 48 states. The regional, village and urban corporations organized under state law in accordance with the Alaska Native Claims Settlement Act (ANCSA) (43 U.S.C. 1601 et seq.) were not listed although they had been designated as "tribes" for the purposes of some Federal laws, primarily the Indian Self-Determination and Education Assistance Act (ISDA), 25 U.S.C. 450b(b). In addition, between 1982 and 1986, a number of Alaska Native entities complained that they had been wrongly omitted from the lists that were published in those years. Some groups in the contiguous 48 states have also complained that they had been wrongly left off the lists and should not have to go through the burdensome process of petitioning. While the Department had conceded that its 1982 list for Alaska was "preliminary," it had made no such concession with regard to groups in the contiguous 48 states. Therefore, the Department required all groups from the contiguous 48 states to petition in order to be placed on the list.

In 1988, in an effort to resolve all pending questions as to the Native entities to be listed and the eligibility of entities described as "tribes" by Congress in post-ANCSA legislation but not otherwise thought of as "Indian tribes," i.e., the state-chartered ANCSA Native corporations, the Department

published a new list of Alaska entities. The preamble to the list stated that the revised list responded to a "demand by the Bureau and other Federal agencies . . . for a list of organizations which are eligible for their funding and services based on their inclusion in categories frequently mentioned in statutes concerning Federal programs for Indians." 53 FR 52832.

Unfortunately, the 1988 revisions of the Alaska Native entities list appeared to create more questions than it resolved. The omission from the 1988 preamble of all references acknowledging the tribal status of the listed villages, and the inclusion of ANCSA corporations (which are formally state-chartered corporations rather than tribes in the conventional legal or political sense) generated questions as to the status of all the listed entities. Numerous Native villages, regional tribes and other Native organizations objected to the 1988 list on the grounds that it failed to distinguish between Native corporations and Native tribes and failed to unequivocally recognize the tribal status of the listed villages and regional tribes. That the Department had considered Alaska Native villages to possess tribal status is evident from the Solicitor's 1993 historical review of this matter.

In January 1993 the Solicitor of the Department of the Interior issued a comprehensive opinion analyzing the status of Alaska Native villages as "Indian tribes," as that term is commonly used to refer to Indian entities in the contiguous 48 states. After a lengthy historical review and legal analysis, the Solicitor concluded that:

For the last half century, Congress and the Department have dealt with Alaska Natives as though there were tribes in Alaska. The fact that the Congress and the Department may not have dealt with all Alaska Natives as tribes at all times prior to the 1930's did not preclude it from dealing with them as tribes subsequently.  
Sol. Op. M-36975, at 46, 47-48 (Jan. 11, 1993).

Although the Solicitor found it unnecessary for the purposes of his opinion to identify specifically which villages were tribes, he observed that Congress' listing of specific villages in ANCSA and the repeated inclusion of such villages within the definition of "tribes" in post-ANCSA legislation arguably constituted a congressional determination that the villages found eligible for benefits under ANCSA, referred to as the "modified ANCSA list," were Indian tribes for purposes of Federal law. M-36975 at 58-59.



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In response to the guidance in the Solicitor's Opinion, the Bureau of Indian Affairs reviewed the "modified ANCSA list" of villages and the list of those villages and regional tribes previously listed or dealt with by the Federal Government as governments. The result of that review was the list of tribal entities published on October 21, 1993. The October 1993 list represents a list only of those villages and regional tribes which the Department believes to have functioned as political entities, exercising governmental authority. The listed entities are, therefore, acknowledged to have "the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes." 25 CFR 83.2 (1994 ed.).

Inclusion on the list does not resolve the scope of powers of any particular tribe over land or non-members. It only establishes that the listed tribes have the same privileges, immunities, responsibilities and obligations as other Indian tribes under the same or similar circumstances including the right, subject to general principles of Federal Indian law, to exercise the same inherent and delegated authorities available to other tribes.<sup>1</sup>

Subsequent to the publication of the October 1993 list, Congress enacted two significant pieces of legislation. First, in the Act of May 31, 1994 (P.L. 103-263; 104 Stat. 707), Congress confirmed that the Secretary can make no distinctions among tribes as a general matter of Federal law. Second, in the Act of November 2, 1994 (P.L. 103-454; 108 Stat. 4791), Congress confirmed the Secretary's authority and responsibility to establish a list of Indian tribes and mandated that he publish such a list annually. The following list is published in response to that mandate.

**Indian Tribes Within the Contiguous 48 States Recognized and Eligible to Receive Services From the Bureau of Indian Affairs**

Absentee-Shawnee Tribe of Indians of Oklahoma  
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California

<sup>1</sup> 501 Op. M-38073 concluded, concerning general principles of Federal Indian law and ANCSA, that "notwithstanding the potential that Indian country still exists in Alaska in certain limited cases, Congress has left little or no room for tribes in Alaska to exercise governmental authority over land or nonmembers." M-38073 at 104. That portion of the opinion is subject to review, but has not been withdrawn or modified.

Ak Chin Indian Community of Papago Indians of the Maricopa, Ak Chin Reservation, Arizona  
Alabama and Coushatta Tribes of Texas  
Alabama-Quassarte Tribal Town of the Creek Nation of Oklahoma  
Alturas Indian Rancheria of Pit River Indians of California  
Apache Tribe of Oklahoma  
Arapahoe Tribe of the Wind River Reservation, Wyoming  
Aroostook Band of Micmac Indians of Maine  
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana  
Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California  
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin  
Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mill Reservation, Michigan  
Bear River Band of the Roanerville Rancheria of California  
Berry Creek Rancheria of Meichu Indians of California  
Big Lagoon Rancheria of Smith River Indians of California  
Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California  
Big Sandy Rancheria of Mescalero Indians of California  
Big Valley Rancheria of Pomo & Pit River Indians of California  
Blackfeet Tribe of the Blackfoot Indian Reservation of Montana  
Blue Lake Rancheria of California  
Bridgeport Paiute Indian Colony of California  
Buena Vista Rancheria of Me-Wuk Indians of California  
Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon  
Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation, California  
Cachil Deffe Band of Wintun Indians of the Coho Indian Community of the Coho Rancheria, California  
Caddo Indian Tribe of Oklahoma  
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California  
Cahito Indian Tribe of the Laytonville Rancheria, California  
Campo Band of Diegueño Mission Indians of the Campo Indian Reservation, California  
Capitan Grande Band of Diegueño Mission Indians of California  
Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California  
Vajna (Baron Lang) Group of Capitan Grande Band of Mission Indians of

the Viejas Reservation, California  
Catawba Tribe of South Carolina  
Cayuga Nation of New York  
Cedarville Rancheria of Northern Paiute Indians of California  
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California  
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California  
Cherokee Nation of Oklahoma  
Cheyenne-Arapaho Tribes of Oklahoma  
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota  
Chickasaw Nation of Oklahoma  
Chicken Ranch Rancheria of Me-Wuk Indians of California  
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana  
Chitimacha Tribe of Louisiana  
Chocoma Nation of Oklahoma  
Citizen Band Potawatomi Indian Tribe of Oklahoma  
Cloverdale Rancheria of Pomo Indians of California  
Coast Indian Community of Yurok Indians of the Resighini Rancheria, California  
Cocopah Tribe of Arizona  
Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho  
Cold Springs Rancheria of Mono Indians of California  
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California  
Comanche Indian Tribe of Oklahoma  
Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana  
Confederated Tribes of the Chualar Reservation, Washington  
Confederated Tribes of the Colville Reservation, Washington  
Confederated Tribes of the Cook, Lower Umpqua and Siuslaw Indians of Oregon  
Confederated Tribes of the Goshute Reservation, Nevada and Utah  
Confederated Tribes of the Grand Ronde Community of Oregon  
Confederated Tribes of the Siletz Reservation, Oregon  
Confederated Tribes of the Umatilla Reservation, Oregon  
Confederated Tribes of the Warm Springs Reservation of Oregon  
Confederated Tribes and Bands of the Yakama Indian Nation of the Yakama Reservation Washington  
Coquille Tribe of Oregon  
Cortina Indian Rancheria of Wintun Indians of California  
Coushatta Tribe of Louisiana  
Cow Creek Band of Umpqua Indians of Oregon  
Coyote Valley Band of Pomo Indians of California  
Crow Tribe of Montana



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- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota  
Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California  
Death Valley Timbi-Sha Shoshone Band of California  
Delaware Tribe of Western Oklahoma  
Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota  
Dry Creek Rancheria of Pomo Indians of California  
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada  
Eastern Band of Cherokee Indians of North Carolina  
Eastern Shawnee Tribe of Oklahoma  
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California  
Elk Valley Rancheria of California  
Ely Shoshone Tribe of Nevada  
Enterprise Rancheria of Maidu Indians of California  
Flandreau Santee Sioux Tribe of South Dakota  
Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin  
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana  
Fort Bidwell Indian Community of Paiute Indians of the Fort Bidwell Reservation, California  
Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California  
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada  
Fort McDowell Mohave-Apache Indian Community of the Fort McDowell Indian Reservation, Arizona  
Fort Mojave Indian Tribe of Arizona  
Fort Sill Apache Tribe of Oklahoma  
Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation of Arizona  
Grand Traverse Band of Ottawa & Chippewa Indians of Michigan  
Greenville Rancheria of Maidu Indians of California  
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California  
Guldenville Rancheria of California  
Hannahville Indian Community of Wisconsin Potawatomi Indians of Michigan  
Havasupai Tribe of the Havasupai Reservation, Arizona  
Ho-Chunk Nation of Wisconsin (formerly known as the Wisconsin Winnebago Tribe)  
Hob Indian Tribe of the Hob Indian Reservation, Washington  
Hoopa Valley Tribe of the Hoopa Valley Reservation, California  
Hopi Tribe of Arizona  
Hopland Band of Pomo Indians of the Hopland Reservation, California  
Houlton Band of Maliseet Indians of Maine  
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona  
Inaja Band of Diegueno Mission Indians of the Inaja and Coimit Reservation, California  
Ione Band of Miwok Indians of California  
Iowa Tribe of Kansas and Nebraska  
Iowa Tribe of Oklahoma  
Jackson Rancheria of Me-Wuk Indians of California  
Jamestown Klallam Tribe of Washington  
Jemul Indian Village of California  
Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico  
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona  
Kalispel Indian Community of the Kalispel Reservation, Washington  
Karuk Tribe of California  
Kashia Band of Pomo Indians of the Stewart Point Rancheria, California  
Kaw Indian Tribe of Oklahoma  
Keweenaw Bay Indian Community of L'Anse and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation, Michigan  
Kialegee Tribal Town of the Creek Indian Nation of Oklahoma  
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas  
Kickapoo Tribe of Oklahoma  
Kickapoo Traditional Tribe of Texas  
Kiowa Indian Tribe of Oklahoma  
Klamath Indian Tribe of Oregon  
Kootenai Tribe of Idaho  
La Jolla Band of Luiseño Mission Indians of the La Jolla Reservation, California  
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California  
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin  
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin  
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan  
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada  
Little River Band of Ottawa Indians of Michigan  
Little Traverse Bay Bands of Odawa Indians of Michigan  
Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation, California  
Lovelsock Paiute Tribe of the Lovelsock Indian Colony, Nevada  
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota  
Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington  
Lower Sioux Indian Community of Minnesota  
Mdewakanton Sioux Indians of the Lower Sioux Reservation in Minnesota  
Lummi Tribe of the Lummi Reservation, Washington  
Lytton Rancheria of California  
Makah Indian Tribe of the Makah Indian Reservation, Washington  
Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California  
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California  
Mashantucket Pequot Tribe of Connecticut  
Mechoopda Indian Tribe of Chico Rancheria, California  
Menominee Indian Tribe of Wisconsin  
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California  
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico  
Miami Tribe of Oklahoma  
Miccosukee Tribe of Indians of Florida  
Middletown Rancheria of Pomo Indians of California  
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lac Band; White Earth Band)  
Mississippi Band of Choctaw Indians, Mississippi  
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Mojave Indian Tribe of Connecticut  
Mooretown Rancheria of Maidu Indians of California  
Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California  
Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington  
Muskogee (Creek) Nation of Oklahoma  
Narragansett Indian Tribe of Rhode Island  
Navajo Tribe of Arizona, New Mexico & Utah  
Nez Percé Tribe of Idaho  
Nisqually Indian Tribe of the Nisqually Reservation, Washington  
Nooksack Indian Tribe of Washington  
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana  
Northfork Rancheria of Mono Indians of California  
Northwestern Band of the Shoshoni Nation of Utah (Washakie)  
Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota  
Omaha Tribe of Nebraska



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Oneida Nation of New York Oneida Tribe of Wisconsin Onondaga Nation of New York Osage Nation of Oklahoma Ottawa Tribe of Oklahoma Otoe-Missouri Tribe of Oklahoma Paiute Indian Tribe of Utah Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California Pale Band of Luiseno Mission Indians of the Pala Reservation, California Pascua Yaqui Tribe of Arizona Paskenta Band of Nomlaki Indians of California Passamaquoddy Tribe of Maine Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California Pawnee Indian Tribe of Oklahoma Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California Penobscot Tribe of Maine Peoria Tribe of Oklahoma Piceyune Rancheria of Chukchansi Indians of California Pinoleville Rancheria of Pomo Indians of California Pit River Tribe of California (includes Big Bend, Lookout, Montgomery Creek & Roaring Creek Rancherias & XL Ranch) Porch Band of Creek Indians of Alabama Pokagon Band of Potawatomi Indians of Michigan Ponca Tribe of Indians of Oklahoma Ponca Tribe of Nebraska Port Gamble Indian Community of the Port Gamble Reservation, Washington Potter Valley Rancheria of Pomo Indians of California Prairie Band of Potawatomi Indians of Kansas Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota Pueblo of Acoma, New Mexico Pueblo of Cochiti, New Mexico Pueblo of Jemez, New Mexico Pueblo of Isleta, New Mexico Pueblo of Laguna, New Mexico Pueblo of Nambé, New Mexico Pueblo of Picuris, New Mexico Pueblo of Pojoaque, New Mexico Pueblo of San Felipe, New Mexico Pueblo of San Juan, New Mexico Pueblo of San Ildefonso, New Mexico Pueblo of Sandia, New Mexico Pueblo of Santa Ana, New Mexico Pueblo of Santa Clara, New Mexico Pueblo of Santo Domingo, New Mexico	Pueblo of Taos, New Mexico Pueblo of Tesuque, New Mexico Pueblo of Zia, New Mexico Puyallup Tribe of the Puyallup Reservation, Washington Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Washington Quapaw Tribe of Oklahoma Quartz Valley Indian Community of the Quartz Valley Reservation of California Quechan Tribe of the Fort Yuma Indian Reservation, California Quileute Tribe of the Quileute Reservation, Washington Quinault Tribe of the Quinault Reservation, Washington Ramona Band or Village of Cahuilla Mission Indians of California Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota Redding Rancheria of California Redwood Valley Rancheria of Pomo Indians of California Reno-Sparks Indian Colony, Nevada Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California Robinson Rancheria of Pomo Indians of California Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota Round Valley Indian Tribes of the Round Valley Reservation, California (formerly known as the Covelo Indian Community) Rumsey Indian Rancheria of Wintun Indians of California Sac & Fox Tribe of the Mississippi in Iowa Sac & Fox Nation of Missouri in Kansas and Nebraska Sac & Fox Nation of Oklahoma Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona San Carlos Apache Tribe of the San Carlos Reservation, Arizona San Juan Southern Paiute Tribe of Arizona San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California San Pasqual Band of Diegueño Mission Indians of California Santa Rosa Indian Community of the Santa Rosa Rancheria, California Santa Rosa Band of Calumet Mission Indians of the Santa Rosa Reservation, California Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California Santa Ynez Band of Diegueño Mission Indians of the Santa Ynez Reservation, California	Santee Sioux Tribe of the Santee Reservation of Nebraska Sault-Sisseton Indian Tribe of Washington Sault Ste. Marie Tribe of Chippewa Indians of Michigan Scotts Valley Band of Pomo Indians of California Seminole Nation of Oklahoma Seminole Tribe of Florida, Dania, Big Cypress & Brighton Reservations Seneca Nation of New York Seneca-Cayuga Tribe of Oklahoma Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake) Sheep Ranch Rancheria of Me-Wuk Indians of California Sherwood Valley Rancheria of Pomo Indians of California Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington Shoshone Tribe of the Wind River Reservation, Wyoming Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota Skokomish Indian Tribe of the Skokomish Reservation, Washington Skull Valley Band of Goshute Indians of Utah Smith River Rancheria of California Soboba Band of Luiseno Mission Indians of the Soboba Reservation, California Sokoagon Chippewa Community of the Mole Lake Reservation of Chippewa Indians, Wisconsin Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado Spokane Tribe of the Spokane Reservation, Washington Squaxin Island Tribe of the Squaxin Island Reservation, Washington St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation St. Regis Band of Mohawk Indians of New York Standing Rock Sioux Tribe of North & South Dakota Steckbridge-Munsee Community of Mohican Indians of Wisconsin Stillaguamish Tribe of Washington Summit Lake Paiute Tribe of Nevada Suquamish Indian Tribe of the Port Madison Reservation, Washington Sustaville Indian Rancheria of Paiute, Maidu, Pit River & Washoe Indians of California Swinomish Indians of the Swinomish Reservation, Washington Sycuan Band of Diegueño Mission Indians of California
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Table Band Branches of Vuyot Indians of California	Yomba Shoshone Tribe of the Yomba Reservation, Nevada	Egegik Village
Table Mountain Rancheria of California	Yalea Del Sar Pueblo of Texas	Ektotat Native Village
Te-Mock Tribes of Western Shoshone Indians of Nevada	Yurok Tribe of the Yurok Reservation, California	Native Village of Ekot
Tblopheoco Tribal Town of the Creek Nation of Oklahoma	Zuni Tribe of the Zuni Reservation, New Mexico	Ekwoh Village
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota		Native Village of Elim
Tobono O'edham Nation of Arizona (formerly known as the Papago Tribe of the Sells, Gila Bend & San Xavier Reservations, Arizona)	Native Entities Within the State of Alaska Excepted and Eligible to Receive Services From the United States Bureau of Indian Affairs	Emmonak Village
Tonawanda Band of Seneca Indians of New York	Village of Adigak	Evansville Village (aka Bettles Field)
Tonkawa Tribe of Indians of Oklahoma	Native Village of Akhiak	Native Village of Eyak (Cordova)
Tonto Apache Tribe of Arizona	Akiachak Native Community	Native Village of Fahn Pass
Torres-Martinez Band of Cahuilla Mission Indians of California	Akiak Native Community	Native Village of Fort Yukon
Tule River Indian Tribe of the Tule River Reservation, California	Native Village of Akutan	Native Village of Gahona
Tulalip Tribes of the Tulalip Reservation, Washington	Village of Alekanuk	Galena Village (aka Loudon Village)
Tunica-Biloxi Indian Tribe of Louisiana	Alema Village	Native Village of Gambell
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California	Native Village of Aleknagik	Native Village of Georgetown
Turtle Mountain Band of Chippewa Indians of North Dakota	Algaaciq Native Village (St. Mary's)	Native Village of Goodnews Bay
Tuscarora Nation of New York	Allakaket Village	Organized Village of Grayling (aka Holikachuk)
Twenty-Nine Palms Band of Luiseno Mission Indians of California	Native Village of Ambler	Gulkana Village
United Auburn Indian Community of the Auburn Rancheria of California	Village of Anaktuvuk Pass	Native Village of Hamilton
United Kootenai Band of Cherokee Indians of Oklahoma	Yupit of Andreafski	Healy Lake Village
Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California	Angoon Community Association	Holy Cross Village
Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota	Village of Arak	Hoonah Indian Association
Upper Skagit Indian Tribe of Washington	Arvik Village	Native Village of Hooper Bay
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Arctic Village (See Native Village of Venetie Tribal Government)	Hughes Village
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah	Native Village of Atka	Hustla Village
Uru Uru Gwaithi Paiute Tribe of the Benton Paiute Reservation, California	Atkasuk Village (Atkasook)	Hydaburg Cooperative Association
Walker River Paiute Tribe of the Walker River Reservation, Nevada	Village of Atkasutlak	Igloog Village
Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts	Native Village of Barrow	Village of Iliamna
Washoe Tribe of Nevada & California (Carson Colony, Denioville & Washoe Ranches)	Beaver Village	Inupiat Community of the Arctic Slope
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona	Native Village of Belkofski	Ivanoff Bay Village
Wichita and Affiliated Tribes (Wichita, Kechi, Waco & Tewa) of Oklahoma	Village of Bill Moore's Slough	Kaguyak Village
Winnebago Tribe of Nebraska	Birch Creek Village	Organized Village of Kake
Winnersucca Indian Colony of Nevada	Native Village of Brerig Mission	Kaktovik Village (aka Barter Island)
Wyandotte Tribe of Oklahoma	Native Village of Buckland	Village of Kalslag
Yankton Sioux Tribe of South Dakota	Native Village of Cantwell	Village of Kaktag
Yavapai Apache Nation of the Camp Verde Reservation, Arizona	Native Village of Chanaga (aka Chonaga)	Native Village of Kanatak
Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona	Chalkyitsik Village	Native Village of Karluk
Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada	Village of Chakomak	Organized Village of Kasen
	Chevak Native Village	Native Village of Kasighuk
	Chickaloon Native Village	Kenaitze Indian Tribe
	Native Village of Chignik	Ketchikan Indian Corporation
	Native Village of Chignik Lagoon	Native Village of Kiana
	Chignik Lake Village	Agdaagux Tribe of King Cove
	Chilkat Indian Village (Chickwan)	King Island Native Community
	Chilkoot Indian Association (Haines)	Native Village of Kipruk
	Chinik Eskimo Community (Golovin)	Native Village of Kivalina
	Native Village of Chistochina	Klawock Cooperative Association
	Native Village of Chitina	Native Village of Kluti Kaah (aka Copper Center)
	Native Village of Chuathuk (Russian Mission, Kuskokwim)	Kluk Tribe
	Chulomek Native Village	Native Village of Kobuk
	Circle Native Community	Kokhanok Village
	Village of Clark's Point	Koliganok Village
	Native Village of Council	Native Village of Kongiganak
	Craig Community Association	Village of Kotlik
	Village of Crooked Creek	Native Village of Kotzebue
	Native Village of Darrig	Native Village of Koyuk
	Native Village of Dillingham	Koyukuk Native Village
	Native Village of Diomedes (aka Isak)	Organized Village of Kwethuk
	Village of Dot Lake	Native Village of Kwigillingak
	Douglas Indian Association	Native Village of Kwimhyak (aka Quinhagak)
	Native Village of Eagle	Native Village of Larsen Bay
	Native Village of Eak	Leavelock Village
		Lemai Village (aka Woody Island)
		Lima Village
		Village of Lower Kalslag
		Manley Hot Springs Village
		Mamokotak Village



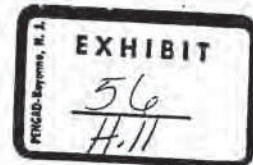
Native Village of Marshall (aka Fortuna Ledge)	Native Village of Perryville	Village of Solomon
Native Village of Mary's Igloo	Petersburg Indian Association	South Naknek Village
McGrath Native Village	Native Village of Pilot Point	Stebbins Community Association
Native Village of Mekoryuk	Pilot Station Traditional Village	Native Village of Stevens
Mentasta Lake Village	Native Village of Pitka's Point	Village of Stony River
Metlakatla Indian Community, Annette Island Reserve	Platinum Traditional Village	Takotna Village
Native Village of Minto	Native Village of Point Hope	Native Village of Tanacross
Native Village of Mountain Village	Native Village of Point Lay	Native Village of Tanana
Naknek Native Village	Native Village of Port Graham	Native Village of Tatitlek
Native Village of Nanwalek (aka English Bay)	Native Village of Port Heiden	Native Village of Tazlina
Native Village of Napaimute	Native Village of Port Lions	Telida Village
Native Village of Napakiak	Portage Creek Village (aka Ohgsenakale)	Native Village of Teller
Native Village of Napaskiak	Pribilof Islands Aleut Communities of St. Paul & St. George Islands	Native Village of Tetlin
Native Village of Nelson Lagoon	Qagan Toyegungin Tribe of Sand Point Village	Central Council of the Tlingit & Haida Indian Tribes
Nenana Native Association	Rampart Village	Traditional Village of Togiak
New Stuyahok Village	Village of Red Devil	Native Village of Toksook Bay
Newhalen Village	Native Village of Ruby	Tuluksak Native Community
Newtok Village	Native Village of Russian Mission (Yukon)	Native Village of Tuntutuliak
Native Village of Nightmute	Village of Salamattof	Native Village of Tununak
Nikolai Village	Organized Village of Saxman	Twin Hills Village
Native Village of Nikolski	Native Village of Savoonga	Native Village of Tyonek
Ninilchik Village	Saint George (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)	Ugashik Village
Native Village of Noatak	Native Village of Saint Michael	Umkumiute Native Village
Nome Eskimo Community	Saint Paul (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)	Native Village of Unalakleet
Nondalton Village	Native Village of Scammon Bay	Qewalingin Tribe of Unalaska
Noorvik Native Community	Native Village of Selawik	Native Village of Unga
Northway Village	Seldovia Village Tribe	Village of Venetie (See Native Village of Venetie Tribal Government)
Native Village of Nuiqsut (aka Nooiksut)	Shageluk Native Village	Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
Nulato Village	Native Village of Shaktolik	Village of Wainwright
Native Village of Nunapitchuk	Native Village of Sheldon's Point	Native Village of Wales
Village of Ohogamiut	Native Village of Shishmaref	Native Village of White Mountain
Village of Old Harbor	Native Village of Shungnak	Wrangell Cooperative Association
Orutsararmiut Native Village (aka Bethel)	Sitka Tribe of Alaska	Yakutat Tlingit Tribe
Oscarville Traditional Village	Skagway Village	Ada E. Deer,
Native Village of Ouzinkie	Village of Sleetmute	Assistant Secretary—Indian Affairs
Native Village of Paimiut		[FR Doc. 95-3839 Filed 2-15-95, 8:45 am]
Pauloff Harbor Village		BILLING CODE 4310-02-9
Pedro Bay Village		

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# the indian historian



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John Stand in Timber, Cheyenne, 1965  
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Edmund Jackson, Quechan, 1967  
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December, 1978

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The Indian Historian is available in microform, under arrangements with Kraus-Thomson Organization Ltd, Route 100, Hillwood, New York, 10546.

The Indian Historian is abstracted and indexed in United States Political Science Documents, University Center for International Studies, University of Pittsburgh.



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# Media Stereotyping and Native Response:

— An Historical Overview —

*Ward Churchill*  
*Norbert Hill*  
*Mary Ann Hill*



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and more literal suicide.<sup>3</sup>

Perhaps the only Native American to achieve true entertainer's status prior to 1960 was Will Rogers, the noted Cherokee actor, humorist and news commentator. Beginning his epic career as a rope artist and rough rider (under billing as the "Cherokee Kid") with Texas Jack's Wildwest Circus in 1902, Rogers ticked about the edges of the entertainment world for a number of years. By 1922 he had gravitated to writing, and produced a series of weekly articles for the *New York Times*. Eventually, the series was syndicated to more than three hundred-fifty localities and demand began to build for his services as a lecturer and broadcaster.

The media was far less compartmentalized during its early years than it is today. Talent became cross-indexed rather rapidly. Thus Roger's talents were being fully employed by the movies after 1929, in such box office hits as *State Fair*, *A Connecticut Yankee* and *Judge Priest*. At the time of his death in 1935, the Indian kid from Oklahoma was earning \$200,000 per film, with a combined annual income of \$600,000 — the highest rates paid to any performer of his day.

Possibly more instrumental to this man's phenomenal success than sheer ability was the reputation he acquired as an inordinately generous and hard working humanitarian. He was popularly known as a warm-hearted cowboy philosopher (who simply happened to have a little Indian blood) and a great American.<sup>4</sup> This is as it should have been for, as Rogers put it in one of his spontaneous movie lines, "I had no ancestors on the Mayflower, mine met those folks at the boat."

As great as Will Rogers' success was, he remained an essentially isolated example, a solitary voice in a wilderness of misportraiture and gross distortion of culture reality. Nothing underscores this point so well as a glance at the non-Indians who were cast into Native roles (usually the speaking parts) during the period in question.

Since the stereotypical appearance of Indians was necessarily evil and brutal, it was natural that the stars of horror films and stock heavies such as Bella Lugosi, Lon Chaney, Bruce Cavenel, Claude Akins, and Charles Bronson should be employed in portraying them. When drunken Indians were needed for comic relief, there were the likes of Buddy Hackett and Joey Bishop to fill the bill. "Indians always rode horses," so sometimes cowboy stars like Audie Murphy, Guy Madison, and Chuck Connors were used. Indians were a very physical (as opposed to cerebral) peo-

ple, so former Tarzan film types Buster Crabbe and Lex Barker were perfect, as were Rock Hudson and Elvis Presley. Black actor Willie Strode struck a blow for minority participation by helping to misconstrue another minority. Native women were silently and seductively depicted by Loretta Young, Donna Reed, Katherine Ross, and Audrey Hepburn, among many others. Indian look alikes could even be found in actors such as Anthony Quinn and Michael Ansara.

What all these people had in common in relation to their deployment conveying impressions of Native people and cultures was an almost perfect ignorance of Native people and cultures. Far be it from any of them to resist a stereotypical portrayal of people and events they knew nothing about — and cared less about learning of. After all, they were merely doing their jobs according to the script! Yet, they were the name brand talent against which the aspirations of Indian entertainers were gauged and through which Indian cultures and personalities were popularly perceived. Small wonder that it was hardly uncommon by the 1950s for Indian children to cheer the cavalry when watching television or at the movies. Who wants to identify as the natural loser in everything?

## CONTEMPORARY RESPONSES

Although the scales of history cannot be truly brought to bear on events so recent, it seems safe to say that the 1960s marked something of a crossroads for the United States. At the onset of the decade, forces began to congeal around issues involving interracial relationships. Initially, the focus was on relatively small numbers of blacks, and white supporters led by Dr. Martin Luther King, while later developments saw the evolution of mass movements such as SNCC (Student Nonviolent Coordinating Committee) and its offshoot, CORE (Congress Of Racial Equality). Certain whites — students, for the most part — participated by first joining the black organizations, then establishing their own parallel groups.<sup>5</sup> Altogether, these social motions represented a systematic and coherent demand for change in the status of American nonwhites.

It was perhaps inevitable that within the context of any widespread adjustment of relative racial power in the United States (even superficial readjustment) Native Americans must become involved. At first, the nature of such involvement remained an open question. The black



co-opted into becoming the very models of stereotyping. Later developments saw Indians extensively employed as stage props in Hollywood films which reserved for the Native an absurdly disgusting and inhuman status. During the 1930s and 1940s, Will Rogers seems to have served as an exception to the rule of stereotyping, but he never really brought the weight of his position to bear on Indian issues.

Finally, in the early 1960s, social circumstances conspired with the emergence of Civil Rights and New Left activists to create a forum for non-stereotypical Native entertainers. Great strides were made in the medium of popular music, particularly through the efforts of singer composers such as Buffy Sainte-Marie and Floyd Westerman.<sup>1</sup> While evolution of Native performance in film and television has not kept pace with that of music, it has the potential to catch up through the work of Charlie Hill and, possibly, Will Sampson. A problem shared by all, and unlikely to be alleviated in the near future, is that the legacy of media stereotyping forces Native entertainers to always respond. Either they must conscientiously avoid reference to their Indian-ness, or devote their careers to serving as artistic debunkers of white imposed myths. The greater danger, in terms of a possible retardation of any lasting solution to the problem, is that the gains achieved between 1960 and 1975 were intimately connected with the social climate created by various dissident groups of that period. By and large, these groups disappeared from the scene before the second half of the '70s and the results of their loss have yet to be assessed.

### FOOTNOTES

1. To quote the father of media stereotyping, Joseph Goebbels (Nazi Propaganda Minister), "The greater the lie, the greater the likelihood of its being believed." Goebbels created a mythology of race which greatly aided Nazi extermination, expropriation and exploitation programs.
2. A variant of "Conspiracy Theory" is not at issue here. Rather, the authors refer to the cultural imperatives attendant to an operant philosophy such as "Manifest Destiny." Hearst Syndicate handling of the Maine disaster prior to the Spanish-American War is a good example of the principle applied to groups other than Indians.
3. The descriptions listed are the result of an unpublished research project entitled *Sexism and Racism in Contemporary Media*. Kimmel, Kimmel, and Churchill, Sangamon State University, 1974-75.
4. Quotation comes from *The Only Good Indian*. The Hollywood Gospel, Ralph and Natasha Friar, New York, 1972.

5. Thorpe appeared in such epics as *Treasure Riders*, *The Range* (1936), *Arizona Frontier* (1940), and *Black Arrow* (1946).
6. In eulogy, Damon Runyon, the great New York writer, described Rogers: ".... America's most complete human document. He reflected the heartbeat of America .... (he) was probably our most typical Native Born, the closest to what we like to call the true American."
7. The SNCO was retained, but the full name of this organization changed to Student National Coordinating Committee.
8. Of the white groups, SDS (Students for a Democratic Society) was probably the most visible and influential.
9. By way of comparison, the U.S. black population exceeded 22,000,000 in 1972 while Native Americans numbered approximately 800,000, an estimated figure.
10. Quote is from a speech by Stokely Carmichael delivered to members of the 3rd World Coalition and SDS during the 1968 student take-over of Columbia University.
11. Quote is from the song of the same title written by Dunn and released on the L.P. *Wilkie Dunn* (1972). White Roots of Peace production, Akwesasne, N.Y.
12. The most objective evidence of this may be Buffy's 1976 dedication of the song "Starwalker" (from the *Sweet America* L.P.) to "... the members of the American Indian Movement."
13. Quote is from the song *Here Come The Anthros* (1968), written by Westerman and Curtis.
14. Quote is from the song *What is an Indian* by A. Paul Ortega.
15. *Newsweek*, "Chief," 77:80, January 25, 1971, p. 80.
16. Wassaja, "A Dan George Reception for My Heart Soars", Jeannette Henry, October, 1976, p. 16.
17. Wassaja, "Willie Sampson" Bob Thomas, July, 1976, p. 7.
18. For a fuller treatment of Westerman's career, see "Floyd Westerman: A Giant In Lower Case", Ward Churchill, *Rocky Mountain Musical Express*, July, 1977.

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10. Goebbels, Josef, *Final Entries: 1944-45*, New York, 1968.
11. Isaacs, Harold R., "Color in World Affairs", *Foreign Affairs*, January, 1969.
12. *Indians Of All Tribes*, Peter Blue Cloud, Ed., *Neotoma Island Is Not An Island*, Denver, Colorado, 1972.
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Continued on Page 63

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May 8, 1996

Teresa D. LaFromboise, Ph.D.  
School of Education  
Stanford University  
Stanford, CA 94305-3096

Dear Dr. LaFromboise:

Enclosed is a very rough draft of an outline of the expert testimony you might give. It reflects considerable wishful thinking on my part in connecting the use of the term "Redskins" to psychological harm to Native Americans. You should modify or qualify the opinion wherever appropriate. You may also be aware of helpful points that I have not thought of, and I encourage you to point them out to me. I would also like to employ whatever terms of art that you prefer (e.g. is "Anglo culture" the term you would use describe the dominant culture?), and I especially want to remove anything that's wrong, oversimplified, or insensitive. This opinion basically boils down to the conclusion that "The use of "Redskins" as the name for a professional football team is psychologically harmful to Native Americans." Anything that leads us to that conclusion belongs in the opinion; anything that leads us away from that opinion is worth noting or explaining. Thank you again for your help, and I look forward to talking with you tomorrow at 11:00 A.M. your time.

Very truly yours,

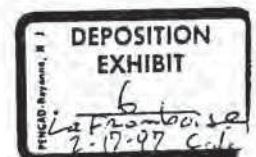


Michael R. Drysdale

MRD:cam  
Enclosure(s)

Harjo v. Pro-Football  
Case No. 21,069

Respondent's Exh. 67.





## Expert Report for Theresa D. LaFromboise

### I. Background and Qualifications

- A. Theresa LaFromboise is Associate Professor of Counseling Psychology at Stanford University. She is the author of numerous publications and has served as a consultant for numerous agencies in the United States and Canada. A copy of her curriculum vitae is attached.
- B. Professor LaFromboise is expected to testify regarding the psychological and cultural challenges facing Native Americans, especially Native American youth, the psychological harm that results from the disrespectful use of Native American cultural symbols by the dominant culture, and the psychological impact on Native Americans of the use of the term "Redskins" as the name of a professional football team.

### II. Opinions that Professor LaFromboise is Expected to Offer, and the Basis for those Opinions

- A. The Field of Counseling Psychology is Oriented Toward Treating Individual Psychological Problems Through Interaction with a Therapist, and the cultural backgrounds of the patient and therapist are critical to that relationship
  1. Factors that affect patients' and therapists' psychological profile include gender, wealth, age, appearance, health, and cultural background, among others.
  2. The Success of the Therapist-Patient Relationship Hinges Upon Communication Between the Therapist and the Patient
    - a) Successful communication requires that the therapist understand how the patient perceives the world, her place in the world, and her modes of interaction with others

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- b) Successful communication requires that that therapist understand how the therapist's own appearance and behavior may influence the patient.
  - c) Successful communication requires that the therapist understand her own perspectives and biases in interpreting the actions of the patient
3. I have specialized in the study of culture as a factor in the patient-therapist relationship, particularly the interaction between Native American cultures and Anglo culture.
- B. The study of cultures within the field of counseling psychology distinguishes between "dominant cultures" and "minority cultures"
- 1. A "dominant culture" is defined as a culture that has successfully structured society around its institutions, norms, beliefs, and modes of thought and behavior.
  - 2. A "minority culture" is defined as culture that exists as an identifiable subgroup with its own norms, beliefs, and modes of thought and behavior, but whose members must accommodate and adapt to the dominant culture in order to function in society.
- C. Native Americans form a Minority Culture within the Dominant "Anglo" Culture of the United States
- 1. Although there are many diverse Native American cultures, all share aboriginal roots and radical transformation by contact with Anglo culture.
    - a) Native American culture is a "minority culture" in the United States not only because Native Americans are numerically fewer, but because Native American lands,

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peoples, and customs have been destroyed, assimilated, and transformed by Anglo culture, often by force

2. Anglo culture is the "dominant culture" because Anglo laws, customs, and ways of thinking form the core of most legal and social institutions in the United States :

D. Psychological Health for Native Americans is <sup>facilitated</sup> ~~Dependent on~~ "Bi-cultural Competence" [Dr. LaFromboise: It wasn't clear to me whether bi-cultural competence is important for the therapist, individuals, or both. This section assumes that it is important for individuals ] p. 16

1. Native Americans must understand and be able to communicate in the forms of Anglo culture, because those forms are dominant in the United States
2. Native Americans must understand and respect their Native American cultural heritage,
  - a) Anglo culture does not accept Native Americans as equal participants
  - b) Participation in their heritage provides Native Americans with sources of psychological support

E. Conflicts Between the Dominant and Minority Cultures Place Great Psychological Strain on Members of the Minority Culture

1. When the dominant and minority cultures come into conflict members of the minority culture may be forced to choose sides
  - a) If the minority member conforms to the norms of the dominant culture, <sup>she is usually more read to accept her loss</sup> she ~~may~~ suffer psychological harm from abandoning her native culture

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b) If the minority member conforms to the norms of the minority culture, she may feel and be treated as an outcast by the dominant group

2. Attempts to reconcile the views of both cultures are psychologically demanding and may leave the individual feeling in a psychological "no-man's land"

F. Use of the Symbols of a Minority Culture by the Dominant Culture Communicates Messages to the Minority Culture

1. The Fact of the Use Communicates Messages

a) If the Dominant Culture uses the symbols with the Permission or Participation of Representatives of the Minority Culture, the Fact of the use may provide psychological strength or affirmation to members the minority culture

(1) Use of Seminole images and name by Florida State University?

b) If the dominant culture Appropriates the symbols without the Permission or Participation of Representatives of the Minority Culture, the fact of appropriation emphasizes the powerlessness of the minority culture

(1) Redskins

2. The Form of the Use Communicates Messages

a) If the form of the use communicates a positive message or associates the minority culture with positive qualities, this provides psychological benefits to members of the minority culture

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- b) If the form of the use communicates a negative message or associates the minority culture with negative qualities, this psychological benefits to members of the minority culture

G The history of the relationship between Native American and Anglo cultures is marked by Oppression of Native American Cultures by Anglo Culture

1. Anglo culture has historically viewed Native American culture as having little worth
2. Anglo culture has historically ignored important aspects of Native American life and culture

- a) Anglo culture has devoted almost no effort to understanding the role of women in Native American Society

- b) Anglo culture has not fully understood the role of Native American women in the 1970s Indian Reorganization Act - *Indian Reorganization Act - 1970s*

3. Anglo culture has historically distorted or caricatured other aspects of Native American life and culture

- a) Anglo culture has historically exaggerated Native Americans' propensity for warfare and behavior during war

- b) *Indian Reorganization Act - 1970s*

H. Anglo Dominance Over and Hostility Toward Native American Cultures is Recognized as a Causal Factor in Numerous Widespread Native American Psychological Problems + *Modern American*

1. Low Self-Esteem

- a) The view that one belongs to a worthless people leads to the belief that one is oneself worthless

2. Depression - *etc.*

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3. Hopelessness

4. Alcoholism

5. Suicide

6. [Dr. LaFromboise: I'm not suggesting that the Redskins cause people to become alcoholics or commit suicide, but rather that the team name is one element among many that contributes to the psychological load on Native Americans. I also recognize that some of your research suggests that Native American youth have a more positive self-image than conventional wisdom suggests. We should talk about how that research might impact your perception of the issues. My goal is to provide a plausible connection between the use of term "Redskin(s)" and psychological distress for Native Americans, but I do not want to overstate the case.] *Academic Performance - Grade Studies' with energy drain*

I. The term "Redskin(s)" is Widely Recognized Among Native Americans as A Disparaging Term for Native Americans

1. *Academic Performance - Grade Studies' with energy drain*  
As a Native American, I have always understood the term "Redskin(s)" to be a disparaging term for Native Americans.

2. As a scholar who specializes in the study of Native American psychology, I have had broad contact with Native Americans throughout the United States and exposure to the literature of Native American psychology

a) The term "Redskin(s)" is consistently used by the subjects *of my studies* as a disparaging term for Native Americans. *of my studies*

(1) There are exceptions, but they are rare

b) I have never written or read a scholarly manuscript that referred to Native Americans as "Redskin(s)" except to draw

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attention to the disparaging character of the term.

J. The Use of the Term "Redskins" as the Name of a Professional Football Team is Psychologically Harmful to Many Native Americans, Particularly Children

1. For those who know what the term "Redskin(s)" has meant, its use:

- a) Emphasizes the powerlessness of Native Americans
- b) Trivializes Native American history
- c) Insults their culture
- d) Communicates that they belong to a worthless people, notable only for their ferocity
- e) Forces a choice between the team/enjoyment of professional football and their culture

2. For those that don't know what it means, the term nonetheless creates the future possibility of psychological dissonance

- a) As children later learn of the term's disparaging meaning, they are forced to choose between their enjoyment of football and their dislike of the name

(1) Daughter's experience with the high school team

K [Dr. LaFromboise: I suspect there are also negative psychological consequences for non-Indians stemming from the use of terms like "Redskin(s)" for sports teams but I'm not aware of any literature on the subject.]

*There has been a lot of discussion about this term, but no one has really taken the time to look at it from a psychological perspective.*

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### III. Documents on Which Professor LaFromboise's Opinions Will be Based

- A. [Dr. LaFromboise: Think of what documents you would point to support the above contentions (for those contentions that make sense). They need not be your own work. It's fine if your opinion is based on personal experience, but it helps if there is published work as well. We do not need to supply page numbers. If you think certain works are helpful, but are not sure, I am happy to locate copies and go over them. In the case of general points, we need not provide exhaustive citations. As we get closer to the connection between the use of Native American "mascots" and psychological harms, the more documentation the better.]

*bracketed articles of more  
the inference*

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December 5, 1996

VIA FEDERAL EXPRESS

Teresa D. LaFromboise  
1515 Alameda de Las Pulgas  
San Carlos, CA 94070

Re: Harjo et al. v. Pro-Football, Inc.

Dear Professor LaFromboise:

Enclosed please find a copy of your expert report in the above-referenced matter. Please let us know if you have any questions or require anything further.

Very truly yours,



Laurie Scanlon  
Legal Assistant  
612/340-2637

LS/kk  
Enclosure

cc: Michael Lindsay, Esq.  
Stephen Baird, Esq.

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